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# ACTS IN FORCE IN NATIVE STATES

COMPILED BY

J. M. MACPHERSON,

BARRISTER-AT-LAW, AND SECRETARY TO THE GOVERNMENT OF INDIA,  
LEGISLATIVE DEPARTMENT.



## PREFACE TO THE FIRST EDITION.

**T**HIS, the Central India Volume of the Lists of British Enactments in force in Native States in India, <sup>(1)</sup> contains all the information I have been able to collect concerning the British Enactments in force in the Native States in the Central Provinces and in the Central India Agency.

2. the term "British Enactments," as used in this volume, includes—

- (I) the Enactments deriving their authority from the general jurisdiction which the British Legislature possesses over British subjects and servants in all Native States, and
- (II) the Enactments deriving their authority from the special jurisdiction which the British Indian Government has acquired over persons who are not either its subjects or servants in certain Native States or places therein.

3. <sup>(2)</sup> The distinction between these two kinds of Enactments has been observed in this volume, each Enactment being classified in accordance not only with its local extent, but also with its nature as above described. Those Enactments which purport to be solely made under the authority of the Legislature, or which appear to be limited to the classes of persons with which the Legislature can deal, have been arranged under one head and styled "British-Indian Enactments." On the other hand, Enactments which purport to be made, in whole or in part, under the special authority which the Executive Government has locally acquired, or which do not appear to be limited to the classes of persons with which the Legislature can deal, have been placed under a different head, distinguished by a heading containing the name of the particular place for which they have been made after the word "British," *e.g.*, "British-Mhow Enactments". Broadly speaking, the "British-Indian Enactments" are in the nature of personal laws applicable only to British subjects or servants in Native States, whilst the other Enactments are rather in the nature of territorial laws for the particular places to which they are respectively limited.

4. The minor classification under each of these heads is identical, the Enactments being arranged, as far as possible, in separate lists, as they are of the nature of—

- (1) Principal Enactments, that is, Enactments made under the immediate authority of the Legislature or the Executive Government, consisting of—

*A.—Enactments of the Legislature—*

- (a) Statutes,
- (b) Acts of the Governor General in Council,

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<sup>(1)</sup> *i.e.*, the territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor General of India, or through any Governor or other officer subordinate to the Governor General of India—*see* 52 & 53 Viet., cap. 63, s. 18 (5).

<sup>(2)</sup> There are certain exceptions to the general rules laid down in this paragraph which are noticed in the body of the Lists.

**B.—Enactments of the Executive Government—**

- (a) Enactments of the British-Indian Legislatures applied,
- (b) Special Laws; or
- (2) Subordinate Enactments, that is, Enactments (Rules and Orders) made under authority conferred in this behalf by Principal Enactments.

5. "Special Laws" are new laws made by the Executive Government for the places in which it has acquired special jurisdiction, while "Enactments of the British-Indian Legislatures applied" are, as their title indicates, existing British-Indian Enactments which the Executive Government has applied, usually with modifications, to such places. Though there is no essential distinction between these two kinds of Enactments, it has been found convenient to arrange them in separate groups in this volume.

6. The two classification statements prefixed to this volume have been framed on these principles. Statement No. I represents the general scheme of classification which has been adopted, while Statement No. II shows the Enactments which have actually been made for the Native States dealt with in this volume, classified in accordance with that scheme.

7. The Enactments which the various Native States may have made for their respective territories are beyond the scope of this work.

8. References have been inserted to Aitchison's Treaties, which will, it is hoped, add to the usefulness of these Lists. The revised edition of 1876 is the one referred to.

9. A short alphabetical index of names of places has been appended for convenience of reference.

10. In compiling the volume—

- (a) Rules and Orders of a temporary nature or conferring powers on persons by name have, generally, been omitted; and
- (b) Special Law and Subordinate Enactments, which are not to be found in the Codes published by the Legislative Department, have, generally, been set out *in extenso*.

11. I have been assisted in the preparation of these Lists by Mr. G. R. Ridge of the Legislative Department Office, who has passed this volume through the press.

12. Lastly, it must be stated that this volume is not authoritative, and that the Government of India are in no way responsible for its contents. It is, however, based on information obtained from official Gazettes and the local authorities concerned, and has been made as complete and accurate as possible. It is hoped therefore that, notwithstanding its imperfections, it will be found useful to Political Officers and others desirous of obtaining information concerning the British Enactments in force in these Native States.

CALCUTTA;

The 7th February, 1893.

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J. M. MACPHERSON.

In his recent valuable work "The Protected Native States of India," Mr. Lee-Warner states (see page 366) that if the reader "refers to the Official Gazettes of the Indian Government he will find many scores of pages devoted annually to the judicial notifications published by the political officers of the Empire. The law relating to the Native States fills thousands of pages." The object of the work now being brought to completion has been to save the labour and trouble involved in referring to the Official Gazettes for these notifications by supplying information in a classified form as to their contents. Though the work only professes to contain lists of the notifications in question, it will be found on examination that, except in the case of the two first volumes, which do not, as a rule, reproduce the subordinate Enactments, the whole of each notification referred to in these volumes is set out *in extenso* either in the last column of the lists or in the appendices, so that a reference to the Gazettes, even for the purpose of ascertaining the exact words of a notification, has been rendered unnecessary. Indeed, if used in conjunction with the "Codes" published by the Legislative Department, which contain the Statutes, Acts, and Regulations mentioned in the Lists, these volumes ought to form a fairly complete hand-book to the British Enactments now in force in the Native States of India.

The subject of the relations between the British Government and the Native States of India has of late been brought before the public not only in Mr. Lee-Warner's work above mentioned, but also in Mr. Tupper's no less valuable work, "Our Indian Protectorate." In both these volumes these relations have been treated of chiefly from a politico-historical point of view. In his earlier work entitled "A Collection of Treaties, Engagements and Sanads relating to India and neighbouring countries," of which a revised edition has recently been published, Sir Charles Aitchison dealt very fully and comprehensively with the same subject mainly from the standpoint of our contractual relations towards these States. In this and the previous volumes of this work an attempt has been made to approach this subject from what may be described as its legal or jurisdictional aspect, the object being to show the extent to which British-made law applies to these Native States, and though these volumes are practically little more than compilations of information which is available to any one who chooses to study the Gazettes, they will perhaps help to throw light on what has hitherto been a somewhat confusing branch of the subject.

SIMLA ;

The 1st January, 1895.

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J. M. MACPHERSON.

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*Note.*—Any corrections or suggestions for the improvement of these Lists will be gratefully received by the Compiler at the address of the office of the Legislative Department of the Government of India.



## PREFACE TO THE SECOND EDITION.

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IN preparing for publication the second edition of this work one important alteration has been introduced which, it is hoped, will render it more useful for purposes of reference. In the first edition the Enactments were merely summarized and included in the lists, with the exception of certain special ones, which were reproduced *in extenso* in Appendices: in the present edition, however, all Enactments which have been issued by the Government of India have been reproduced *in extenso*, except in so far as they are to be found in the volumes of General Acts of the Governor General in Council, or in one of the Provincial Codes. In such cases full references are given: and the chronological lists which formed the basis of the first edition are only retained in a simplified form to serve the purposes of a table or index. In its present form it is hoped that the work may be regarded as a not inadequate supplement to the General Acts of the Governor General in Council and the Provincial Codes.

2. A general nominal index has been added at the end of the sixth Volume (the Western India Volume) for facility of reference.

3. Mr. Macpherson, the Secretary to the Government of India in the Legislative Department who compiled the first edition, has kindly permitted me to consult him in matters regarding the general scheme of the work, and I have to express my obligations to him for his advice. I have also had the assistance of Mr. Ridge of the Legislative Department Office, who has been most useful in helping to prepare the volumes for press.

SIMLA;

The 15th September, 1899.

A. WILLIAMS.





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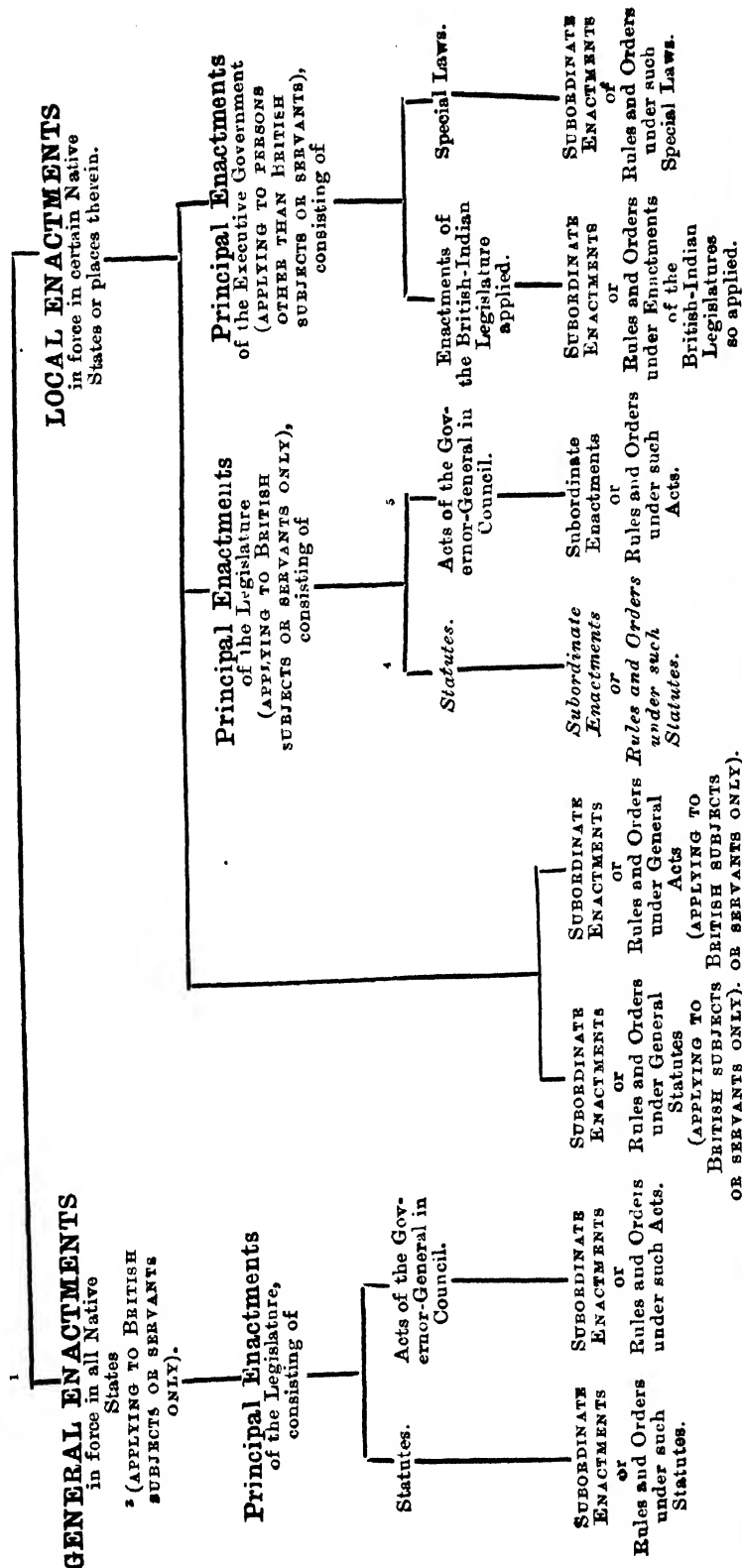
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# STATEMENT I.

*General Classification of all the British Enactments which may be made for Native States in India.*



<sup>1</sup> See Part I of this volume.\*

<sup>2</sup> See Parts II and III of this volume.

<sup>3</sup> This is generally true, but certain Statutes (e.g., the Slave Trade Act, 1876 (39 and 40 Vict., c. 46)) apply to subjects of Native States as well.

<sup>4</sup> Enactments of these classes have never, so far as is known, yet been made.

<sup>5</sup> The only enactments of this class which, so far as is known, have ever been made, are the Sind-Fishin Railway Act, 1887 (XI of 1887), and the rules and orders issued thereunder.

## STATEMENT II.

*Classification of the British Enactments made for the Central India Native States.*

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## I.—BRITISH ENACTMENTS IN FORCE GENERALLY IN ALL NATIVE STATES IN INDIA.

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- (2)—Acts of the Governor General in Council.
- (3)—Rules and Orders—
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  - (b) under Acts of the Governor General in Council in force generally in all Native States in India.

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## II.—THE BRITISH ENACTMENTS IN FORCE LOCALLY IN NATIVE STATES OF THE CENTRAL PROVINCES AND THE CENTRAL INDIA AGENCY OR IN PARTICULAR PLACES THEREIN.

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## 1.—THE CENTRAL PROVINCES NATIVE STATES.

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## 2.—THE BENGAL-NAGPUR RAILWAY.

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## 3.—CENTRAL INDIA AGENCY NATIVE STATES.

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## 4.—THE UMARIA COAL-FIELDS.

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- Local Order under an Act in force generally in all Native States in India.

*B.—British-Umaria Coal-fields Enactments—*

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  - (a) Acts of the Governor General in Council locally applied.
  - (b) Special Local Laws.
- 2.—Local Order—  
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## 5.—ALL CANTONMENTS

## 5.—ALL CANTONMENTS.

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- 1.—Local Laws made by the Governor General in Council—
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STATEMENT II—*concl'd.*

*Classification of the British Enactments made for the Central India Native States—contd.*

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**PART I.—THE BRITISH ENACTMENTS IN FORCE GENERALLY  
IN ALL NATIVE STATES IN INDIA.**





## ALL NATIVE STATES IN INDIA :

The British Enactments in force generally in all Native States in India consist of—

*British-Indian Enactments, namely,—*

1. Statutes.
2. Acts of the Governor-General in Council.
3. Rules and Orders—
  - (a) under Statutes in force generally in all Native States in India ;
  - (b) under Acts of the Governor-General in Council in force generally in all Native States in India.

## PART I.—ALL NATIVE STATES IN INDIA.

*British-Indian Enactments.*1.—STATUTES.<sup>1</sup>

Year.	Reign.	Chapter.	Subject.	Extent of application.
1772-73	13 Geo. III.	63	East India Company Act, 1772. <sup>2</sup>	Section 14 declares that the new Charter establishing a Supreme Court of Judicature at Calcutta shall extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Behar and Orissa, or any of them, under the protection of the East India Company; and empowers the Court so established to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours or oppressions committed or to be committed; and also to entertain, hear and determine any suits or actions whatsoever against any of His Majesty's subjects in Bengal, Behar and Orissa, and any suit, action or complaint against any person who shall at the time such debt or cause of action or complaint shall have arisen, have been employed by, or shall have been, directly or indirectly, in the service of the Company, or any of His Majesty's subjects.
1792-93	33 Geo. III.	52	The East India Company Act, 1793. <sup>3</sup>	Section 67 declares all His Majesty's subjects as well servants of the said United Company as others, to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India for all acts, injuries, wrongs, oppressions, trespasses, misdemeanours, offences and crimes whatever by them or any of them done or to be done or committed in any of the lands or territories of any Native Prince or State, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.

<sup>1</sup> Many of the Statutes in this List only confer power on the Governor General in Council to make laws for British subjects in Native States instead of prescribing such laws themselves, but it is convenient to include them under this head.

<sup>2</sup> See Schedule I to the Short Titles Act 1908 (29 & 30 Vict. c. 14).

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*contd.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1796-97	37 Geo. III.	142	The East India Company Act, 1797. <sup>1</sup>	Section 10 empowers the Supreme Court established by the new Charter at Madras and Bombay to hear and determine all and all manner of complaints against any of His Majesty's subjects for any crimes, misdemeanours and oppressions committed or to be committed; and also to hear and determine all suits and actions whatsoever against any of His Majesty's subjects arising * * * within any of the dominions of the Native Princes of India in alliance with the Governments of Madras and Bombay, respectively, or against persons who, at the time when such debt or cause of action shall have arisen, have been employed by or shall have been directly or indirectly in the service of the United Company or any of His Majesty's subjects.
1833	3 & 4 Will. IV.	85	The Government of India Act, 1833. <sup>1</sup>	Section 73 empowers the Governor General in Council to make Articles of War for the Government of Native officers and soldiers in the Military service of His Majesty, and for the administration of justice by Courts martial to be holden over such officers and soldiers; such articles to prevail and be in force wheresoever such officers and soldiers may be serving.
1861	24 & 25 Vict.	67	Indian Councils Act.	Section 22 empowers the Governor General in Council to make laws and regulations for all servants of the Government of India within the dominions of Princes and States in alliance with Her Majesty.
1865	28 Vict.	15	The Indian High Courts Act, 1865. <sup>1</sup>	Section 3 empowers <sup>2</sup> the Governor General in Council to authorise and empower High Courts to exercise jurisdiction in respect of Christian subjects of Her Majesty resident within the dominions of such of the Princes and States of India in alliance with Her Majesty as he may from time to time determine.
"	28 Vict.	17	The Government of India Act, 1865. <sup>1</sup>	Section 1 empowers the Governor General in Council to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise.

<sup>1</sup> See Schedule I to the Short Titles Act, 1896 (59 & 60 Vict., c. 14).<sup>2</sup> For orders issued by the Governor General in Council for the Native States in the Central Provinces and the Central India Agency in connection with this power, see page 15, *infra*.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*contd.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1869	32 & 33 Vict.	98	The Indian Councils Act, 1869. <sup>1</sup>	Section 1 empowers the Governor General in Council to make laws and regulations for Native Indian subjects of Her Majesty without and beyond as well as within the Indian territories under the dominion of Her Majesty.
1876	39 & 40 Vict.	46	The Slave Trade Act, 1876. <sup>1</sup>	Provides <sup>2</sup> (section 1) for the punishment of offences against slave trade law committed by British subjects and subjects of allied Native States in such places in Asia and Africa as Her Majesty may specify by Order; <sup>3</sup> confers (section 3) certain powers on High Courts in India in regard to obtaining evidence in such allied Native States of the commission of such offences, and extends (section 4) the provisions of the Muscat Order in Council, 1867, to the subjects of allied Native States residing in Muscat territories.
1879	42 & 43 Vict.	41	The Indian Guaranteed Railways Act, 1879. <sup>4</sup>	Section 1, paragraph 3, and section 2 empower Guaranteed Railway Companies to make agreements with the Secretary of State as to the working of railways, which term is defined as meaning any Railway constructed before or after the passing of this Act and belonging to the Secretary of State for India in Council or situate in Her Majesty's territories in India, or in any territory in the East Indies belonging to any Native Prince or State in alliance with Her Majesty or to any European power.
1881	44 & 45 Vict.	58	The Army Act ( <i>as amended for the time being by subsequent Acts</i> ).	Purports to apply generally to Her Majesty's Forces wherever serving, and particularly when serving in India, which term is defined to mean "British India together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty, exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India." [See section 180 and section 190, clause (21) as amended by the Army (Annual) Act, 1890].

<sup>1</sup> See Schedule I to the Short Titles Act, 1896 (59 & 60 Vict., c. 14).<sup>2</sup> Only so much of the sections of this Statute as appear to refer to Native States in India or the subjects of such States is here quoted.<sup>3</sup> For order under the section see *Gazette of India*, 1867, Part I, p. 361.<sup>4</sup> Cf. the Oudh and Rohilkhand Railway Purchase Act, 1888 (51 & 52 Vict., c. 8), s. 4.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*contd.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1884	47 & 48 Vict.	38	Indian Marine Service	Empowers the Governor General in Council to make laws for all persons employed or serving in, or belonging to, Her Majesty's Indian Marine Service, provided that no such law shall apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence on the High Seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, or on territorial waters between those limits.
1889	52 Vict.	10	Commissioners for Oaths Act.	Section 3 (1) admits of an oath or affidavit required for the purpose of any Court or matter in England, etc., being taken or made in any place out of England, before any person having authority to administer an oath in that place. Section 6 (2) authorises every British Ambassador, Envoy, Minister, Chargé d'Affaires, and Secretary of Embassy or Legation exercising his functions in any foreign country, and every British Consul-General, Acting Consul, Pro-Consul, Consular Agent exercising his functions in any foreign place, to administer any oath and take any affidavit and also do any notarial act which any notary public can do in the United Kingdom.
	52 & 53 Vict.	62	Official Secrets Act, 1889 <sup>1</sup>	Applies to all acts made offences by the Act when committed by British officers or subjects beyond as well as within Her Majesty's dominions. [See section 6 (1).]
	"	63	Interpretation Act, 1889	Defines the expression "India" as meaning British India together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty, exercised through the Governor General in India or through any Governor or other officer subordinate to the Governor General of India. [Section 18 (5).]
1890	53 & 54 Vict.	37	Foreign Jurisdiction Act, 1890.	Section 15 applies to all subjects of Princes and States in India, the provisions of any Orders in Council made in pursuance of the Act and extending to persons enjoying Her Majesty's protection.

<sup>1</sup> Has practically been superseded so far as India is concerned by the Official Secrets Act, 1889 (XV of 1889), see page 12, *infra*.

PART I.—ALL NATIVE STATES IN INDIA—*concl.**British-Indian Enactments.***1.—STATUTES—*concl.***

Year.	Reign.	Chapter.	Subject.	Extent of application.
1893	56 Vict.	5	Regimental Debts Act, 1893.	Applies (section 25) to India <sup>1</sup> subject to certain modifications and subject to the proviso that it shall not apply, save so far as may be prescribed, to any Native of India within the meaning of Indian Military Law, and (section 30) to all persons subject to Military Law, whether within or without Her Majesty's dominions.

<sup>1</sup> For meaning of this word *see* the last entry but one on page 7.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.***2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.**

The general powers of the Council of the Governor General to legislate for persons beyond the limits of British India rest on the following Statutes, namely, the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), s. 22; the Government of India Act, 1865 (28 Vict., c. 17), s. 1; and the Indian Councils Act, 1869 (32 and 33 Vict., c. 98), s. 1. Under them the Council may make Laws and Regulations for—

- (a) Servants of the Government in allied Native States (24 and 25 Vict., c. 67, s. 22);
- (b) European British subjects in allied Native States (28 Vict., c. 17, s. 1); and
- (c) Native Indian subjects anywhere (32 and 33 Vict., c. 98, s. 1).

In addition to these general powers the Governor General in Council is invested with special power—

- (a) under the Statute 3 and 4 Will. IV., c. 85, s. 73 (saved by 24 and 25 Vict., c. 67, s. 22), to make Articles of War for Her Majesty's Indian Army wheresoever serving; and
- (b) under the Statute 47 and 48 Vict., c. 38, Indian Marine Service Act, 1884, to make laws for all persons employed or serving in or belonging to Her Majesty's Indian Marine Service whose vessels are within the limits of "Indian Waters," as defined in the Statute.

(In addition to enactments made under the above powers, certain other Acts of the Governor General in Council which have special reference to Native States generally, but which do not contain provisos having actual operation in such States, have been included in the list annexed for facility of reference. Enactments of this class have been printed in italics.)

Year.	No.	Subject.	Extent of application.
1860	XLV	Penal Code ( <i>as amended by Acts XXVII of 1870, XIX of 1872, VIII of 1882, X of 1886, I and IV of 1889, X of 1891, III of 1894, III of 1895, VI of 1896 and IV of 1898</i> ).	Applies generally to persons liable by any law passed by the Governor General in Council to be tried for an offence committed beyond the limits of British India, and to any Native Indian subject of Her Majesty in any place without and beyond British India, and to any other British subject and to any servant of the Queen, whether a British subject or not, within the territories of any Native Prince or Chief in India ( <i>see</i> sections 3 and 4).
1869	IV	Divorce. <sup>1</sup>	Applies generally to British subjects within the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 2).
"	V	Indian Articles of War <i>as amended by Act XII of 1894</i> . <sup>2</sup>	Purports to apply generally to officers, soldiers and followers of Her Majesty's Indian Forces in all parts of the world, and therefore in Native States in India ( <i>see</i> articles 90, 99, 171, 174).
"	XX	Volunteers ( <i>as amended by Act X of 1896</i> ).	Applies generally to British subjects within the dominions of Native Princes and States in alliance with Her Majesty ( <i>see</i> section 2).

<sup>1</sup> *See* in connection with the application of this Act to British subjects in Native States *Thomson v. Thomson*, I. L. R., 10 Bom. 42.

<sup>2</sup> For power to make these Articles *see* 3 and 4 Will. IV., c. 85 in List I, *supra*, p. 5.



PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*

Year.	No.	Subject.	Extent of application.
1871	V	Prisoners (as amended by Act VII of 1894).	<p>Section 16 empowers officers in charge of prisons in British India to give effect to sentences, orders and warrants of British Courts without British India and, with previous sanction of Courts or tribunals of Native Princes or States under the suzerainty of Her Majesty.</p> <p>Section 19 provides for the reception, detention or imprisonment in any place in British India of persons sentenced to imprisonment or transportation for certain offences within the territories of Native Princes or States under the suzerainty of Her Majesty, by tribunals of which the presiding Judge or one of the Judges is an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council.</p>
1872	XV	<sup>1</sup> Christian Marriage (as amended by Acts II of 1891 and II of 1892).	Applies generally to Christian subjects of Her Majesty within the territories of Native Princes and States in alliance with Her Majesty ( <i>see</i> section 1).
1873	X	Oaths . . . . .	Applies generally to subjects of Her Majesty within the territories of Native Princes and States in alliance with Her Majesty ( <i>see</i> section 1).
1874	II	<sup>1</sup> Administrator General (as amended by Acts IX of 1881 and II of 1890).	Applies generally to British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 1).
"	III	Married Women's Property.	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 2).
"	IX	European Vagrancy . . . . .	Extends generally to the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 1). <sup>2</sup>
1875	IX	Majority . . . . .	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 1).
1877	XI	Military Lunatics . . . . .	Applies generally to subjects of Her Majesty within the dominions of Native Princes and States in India in alliance with Her Majesty ( <i>see</i> section 1).
1879	XXI	<sup>1</sup> Foreign Jurisdiction and Extradition (as amended by Act V of 1896).	<p>Extends generally to—</p> <p>(1) all Native Indian subjects of Her Majesty beyond the limits of British India; and</p> <p>(2) all European-British subjects within the dominions of Princes and States in India in alliance with Her Majesty;</p> <p>(<i>see</i> section 1).</p> <p>The amending Act also empowers Political Agents to issue warrants of arrest for deserters from the Imperial Service Troops.</p>

<sup>1</sup> For Rules and Orders issued under these Acts, *see* pages 15, 16, 17 and 18, respectively, *infra*.

<sup>2</sup> NOTE.—Sections 4 to 16 (inclusive), 19, 20, 24 and 29 do not come into force in any of the dominions of the Princes and States in India in alliance with Her Majesty not situate within the limits of any Presidency, Lieutenant-Governorship or Chief Commissionership in British India until such day or respective days as the Governor General in Council by notification in the *Gazette of India* appoints in this behalf. With reference to this provision, sections 4 to 9 (inclusive) and sections 19, 20, 24 and 29 were declared to come into force in the dominions of Princes and States comprised in the Central India Agency, with effect from the 23rd September, 1891. *See* Notification No. 3919-I., dated the 23rd September, 1891, *Gazette of India*, 1891, Pt. I, p. 652.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*

Year.	No.	Subject.	Extent of application.
1882	XIV	Civil Procedure Code (as amended by Act VII of 1888).	<p><i>Section 90 provides for the service of summons of British-Indian Courts in foreign territory.</i></p> <p><i>Section 229 provides for the execution in British India of decrees of Courts established or continued by the Governor General in Council in the territories of any Foreign Prince or State.</i></p> <p><i>Section 229-A provides for the transmission of decrees of British-Indian Courts for execution by any Court established or continued by the Governor General in Council in the territories of any Foreign Prince or State to which the section has by Notification<sup>1</sup> in the Gazette of India been declared to apply.</i></p> <p><i>Section 229-B provides for the execution in British India of the decrees of Civil and Revenue Courts of any Native Prince or State in alliance with Her Majesty, on the publication of a Notification<sup>1</sup> to that effect in the Gazette of India.</i></p> <p><i>Section 387 provides for the issue of commissions to examine witnesses not residing within British India.</i></p> <p><i>Section 391 declares that the provisions in the Code regarding the execution and return of commissions shall apply to commissions issued by Foreign Courts.</i></p> <p><i>Chapter XXVIII (sections 431 to 434) deals with suits by, or against, any Sovereign Prince or Ruling Chief, whether in subordinate alliance with the British Government or otherwise, or any Ambassador or Envoy of a Foreign State.</i></p> <p><i>Section 464 excepts a Sovereign Prince or Ruling Chief suing or being sued in the name of his State, by direction of the Governor General in Council or a Local Government, from the provisions of Chapter XXXI (suits by or against minors or persons of unsound mind).</i></p> <p><i>Section 650-A provides for the service in British India of summons issued by Courts beyond the limits of British India which have either been established or continued by the Governor General in Council, or to which the provisions of the section have been declared by Notification<sup>1</sup> in the Gazette of India to apply.</i></p>
1883	XXI	Indian Emigration (as amended by Act I of 1896).	<p><i>Applies, when notified, in the case of a Native of India departing out of British India under an agreement made with or on behalf of Her Majesty's Government to labour for hire in any country beyond the sea.</i></p>

<sup>1</sup> See Notifications in General Appendix *infra*, pp. 338 to 343.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*

Year.	No.	Subject.	Extent of application.
1885	XIII	Telegraphs . . .	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 1).
1886 <sup>1</sup>	II	<sup>1</sup> Indian Income-tax Act, 1886.	Applies generally within the dominions of Princes and States in India in alliance with Her Majesty to British subjects in those dominions who are in the service of the Government of India, or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf ( <i>see</i> section 1).
"	VI	Births, Deaths and Marriages Registration ( <i>as amended by</i> Act XVI of 1890).	Applies generally to British subjects in the dominions of Princes and States in India in alliance with Her Majesty ( <i>see</i> section 2).
1887	X	Native Passenger Ships .	Applies generally— (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty; (b) to all Native Indian subjects of Her Majesty without and beyond British India; and (c) subject to certain exceptions, to vessels carrying more than thirty passengers, being Natives of Asia or Africa; ( <i>see</i> section 2).
"	XIV	Indian Marine ( <i>as amended by</i> Acts XVII of 1888 and I of 1899).	Applies generally to persons employed or serving in or belonging to the Indian Marine whose vessels are within the limits of Indian waters, as defined by the Indian Marine Service Act, 1884 (47 & 48 Vict., c. 38).
1888	IV	Reserve Forces .	Purports to subject persons belonging to Indian Reserve Forces to military law in the same manner, and to the same extent, as persons belonging to Her Majesty's Indian Forces [ <i>i.e.</i> , when serving in Native States as well as elsewhere, <i>see</i> entries opposite the Army Act (44 & 45 Vict., c. 58), and Act V of 1869, <i>supra</i> , pp. 6 and 9 respectively.]
1889	VII	Succession Certificates .	<i>Admits as valid succession certificates granted or extended to residents within Foreign States by British representatives accredited thereto, subject to certain conditions (section 17).</i>
"	XV	Official Secrets . .	Applies— (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty [ <i>see</i> section 1 (2) (a)]; and (b) to all Native Indian subjects of Her Majesty without and beyond British India [ <i>see</i> section 1 (2) (b)].
1890	I	Revenue Recovery . .	Section 6 provides for the recovery in British India of certain public demands arising in local areas beyond British India when this Act has been applied thereto. <sup>2</sup>

<sup>1</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.<sup>2</sup> For Rules and Orders issued under this Act, *see* p. 22, *infra*.<sup>3</sup> As to application of this Act to these areas, *see* Notification No. 1415-I., dated 30th April, 1890, printed *infra*, p. 347.

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PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*concl'd.*

Year.	No.	Subject.	Extent of application.
1890	IX	Railways as amended by Acts X of 1895 and IX of 1896.	Applies to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, and to all Native subjects of Her Majesty without and beyond British India and those dominions, <i>see</i> section 1 (2).
1891	XII	Repealing and Amending Act.	So far as it repeals or amends the Acts generally applicable to Native States in India.
1893	V	Capital Sentences .	<i>Sections 1 to 3 provide, under certain circumstances, for the execution by the Superintendents or Keepers of Jails in British India of capital sentences passed by British Courts' exercising in, or with respect to, territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory, and declares that the tribunals mentioned in section 19 of the Prisoners' Act, 1871, shall be deemed to be British Courts for the purposes of the Act.</i>
1895	XIV	Pilgrim Ships .	Applies generally— (a) to all subjects of Her Majesty within the dominions of Princes or States in India under the suzerainty of Her Majesty; and (b) to all Native Indian subjects of Her Majesty without and beyond British India.
1897	X	General Clauses .	Applies in certain cases to all Acts passed after the 3rd January, 1868, in others to all Acts made after the 14th January, 1887, and in others to all Acts made after the Act came into force and therefore to such Acts when they apply to Native States.
1898	V	Criminal Procedure <sup>a</sup> .	<i>Sections 188 and 189 provide for the trial in British India of European British subjects committing offences in the dominions of Princes or States in India in alliance with Her Majesty, and of Native Indian subjects committing offences anywhere.</i>  <i>Chapter XL provides for the issue of commissions for the examination of witnesses residing in the dominions of Princes or States in alliance with Her Majesty.</i>
1898	VI	Indian Post Office .	Applies generally to— (a) all Native Indian subjects of Her Majesty in any place without and beyond British India; (b) all other British subjects within the territories of any Native Prince or Chief in India; and (c) all servants of the Queen, whether British subjects or not, within the territories of any Native Prince or Chief in India.

<sup>1</sup> As to the Notification empowering such Courts to send their warrants to Superintendents or Keepers of Jails in British India for the execution of capital sentences passed by them, *see* General Appendix *infra*, p. 345.

<sup>a</sup> *NOTE.*—By section 8 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), the law relating to offences and criminal procedure for the time being in force in British India has generally been extended (subject, as to procedure, to such modifications as the Governor General in Council from time to time directs) to European British subjects in the dominions of Princes and States in India in alliance with Her Majesty, and to Native Indian subjects everywhere.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*

## 3.-LOCAL RULES AND ORDERS—

(a) under Statutes in force generally in all Native States.

Statute.	Section.	Subject of Notification.	Reference.
Indian High Courts Act, 1865 (28 Vict., c. 15.)	3	Jurisdiction of High Courts in British India over European British subjects in Native States.	No. 178-J., dated the 23rd September, 1874. [Printed, <i>infra</i> , p. 15.]

(b) under Acts of the Governor General in Council in force generally in all Native States.

Acts.	Section.	Subject of Notification.	Reference.
Indian Christian Marriage Act, 1872 (Act XV of 1872).	84	Fees leviable by Marriage Registrars and rules for the disposal thereof.	No. 1586-E., dated the 29th August, 1892. [Printed, <i>infra</i> , p. 16.]
Administrator General's Act, 1874 (II of 1874).	3	Presidencies within which Native States shall be included for purposes of the Act.	No. 101-J., dated the 19th July, 1878. [Printed, <i>infra</i> , p. 17.]
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	4 & 5	Officers by whom the powers and duties of a District Judge under the Administrator General's Act, 1874 (II of 1874) shall be exercised.	No. 3542-I., dated the 27th August, 1891. [Printed, <i>infra</i> , p. 21.]
Ditto . . .	6	High Courts to which Justices of the Peace shall commit European British subjects in Native States for trial.	No. 2616-I., dated the 6th August, 1890. [Printed, <i>infra</i> , p. 16.]
Ditto . . .	11	Arrest and surrender of persons in Native States accused of offences under the Criminal Tribes Act, 1871 (XXVII of 1871).	No. 3361-I.A., dated the 23rd December, 1898. [Printed, <i>infra</i> , p. 22.]
Ditto . . .	13 & 18	Rules for the issue of warrants by Political Agents and treatment of prisoners.	No. 31-J., dated the 12th March, 1875, as amended by No. 87-J., dated the 16th August, 1876. [Printed, <i>infra</i> , p. 19.]
Ditto . . .	„	Territory in Native States under the direct administration of the British Government in which the Code of Criminal Procedure is in force excluded from operation of preceding Notification.	No. 149-J., dated the 8th October, 1875. [Printed, <i>infra</i> , p. 21.]
<sup>1</sup> Indian Income-tax Act, 1886 (II of 1886).	40	Appointment of Collectors for Income-tax purposes.	No. 4135-I., dated the 16th September, 1887. [Printed, <i>infra</i> , p. 22.]

<sup>1</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

PART I.—ALL NATIVE STATES IN INDIA—*contd.*

## BRITISH-INDIAN ENACTMENTS.

**<sup>1</sup>Rules and Orders under Statutes or Acts of the Governor General in Council in force generally in all Native States in India.****Jurisdiction of High Courts over European British subjects in Native States.**

*No. 178-J, dated the 23rd September, 1874.*—With reference to Notification No. 1203,<sup>2</sup> of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the 28th Vict., cap. 15, section 3, to make the following orders :—

Original and appellate criminal jurisdiction over European British subjects of Her Majesty, being Christians, resident in the Native States, territories, and Chiefships below named, shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at *Port William*, *Madras*, *Bombay*, and in the North-Western Provinces, respectively, as follows<sup>3</sup> :—

\* \* \* \* \*

## III.—BY THE HIGH COURT AT BOMBAY IN—

Bhopal.	Gwalior, districts of—	} With the several parganas subordinate thereto, included in the charge of Sindhia's Sir Subah of Malwa.
Barwáni.	Amjhera.	
Dewás.	Agar.	
Bhár.	Bag.	
Indore, excepting the district of Alampur in Bundelkhand.	Dikhtán.	
Jobat.	Mandisur.	
Barwai.	Neemuch.	
Kathiwára.	Ujjain.	
Muhammadgarh.	Ságor.	
Mathwár.	Shujaulpur.	
Ratanmál.	Sonkaoh	
Ali Rajpur.	and	
Jhábua.	Bhílsa.	
Jaora.	Ganj Baroda.	
Khilchipur.	Malhárgarh.	} With the several parganas subordinate thereto, which form part of the charge of Sindhia's Sir Subah of Esangarh.
Narsinghgarh.	Maksúdangarh.	
Rájgarh.	Jhalra Patan, districts of—	
Rutlam.	Gangrar.	
Sítaman.	Pach Pahár.	
Sailána.	Dag.	} With the several parganas subordinate thereto, which form part of the charge of Sindhia's Sir Subah of Esangarh.
	Tonk, districts of—	
	Piráwa and Sironj.	

<sup>1</sup> It is somewhat doubtful whether there are any Rules and Orders which are in force generally in all Native States without exception, but all the Rules and Orders entered in this part were either intended to have such general force, or are so very widely in force as to make it convenient to include them here.

<sup>2</sup> Under this Notification certain districts in British India were placed under the several High Courts in British India for the purposes of jurisdiction over European British subjects.

<sup>3</sup> Owing to the great length of the list of Native States appended to this Notification, only the portions relating to the States in the Central Provinces and in the Central India Agency have been set out.

PART I.—ALL NATIVE STATES IN INDIA—*contd.***British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.*****Jurisdiction of High Courts over European British subjects in Native States—*contd.***The Feudatory States in the Central Provinces, *viz.* :—

Kalahandi or Karond.	Rairakhol.	Nandgaon.
Raigarh Bargarh.	Bamra.	Kondka or Chhuikader.
Sarangarh.	Sakti.	Kankar.
Patna.	Kawarda.	Bastar.
Sonepur.	Khairagarh.	Makrai.

\* \* \* \*

## IV.—BY THE HIGH COURT OF THE NORTH-WESTERN PROVINCES IN—

\* \* \* \*

Gwalior.—The whole of the State, excepting the Sir Subahship of Malwa and the Districts under the Sir Subah of Esangarh, enumerated above.

\* \* \* \*

Bundelkhand States and Chiefships<sup>1</sup>—

Ajaigarh.	Dhurwai.	Orchha.
Alipura.	Garrauli.	Pahári Banka.
Baoni.	Gaurihar.	<i>Pahara Chaube.</i>
Behat.	<i>Jasso.</i>	<i>Paldeo.</i>
Behri.	Jágni.	Panna.
<i>Bhaironda.</i>	<i>Kanta Rajaula.</i>	Rewah.
<i>Bhaisaunda.</i>	Khaniadhana.	Soháwál.
Bijáwar.	Kothi.	Samthar.
<i>Bijna.</i>	Lughási.	Sarila.
<i>Chirkhari.</i>	Myhere.	<i>Tarraon.</i>
<i>Chhatarpur.</i>	Nagode.	Tori Fatehpur.
<i>Dattia.</i>	Naigawán Ribai.	Holkar's District of Alampur.

[See *Gazette of India*, 1874, Pt. I, p. 485.]

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No. 2616-I., dated the 6th August, 1890.—In exercise of the powers conferred by section 6 of Act XXI of 1879, the Governor General in Council is pleased to direct that a Justice of the Peace in any Native State, territory or Chiefship specified in Foreign Department Notification No. 178-J., dated the 23rd September, 1874, shall commit for trial to the High Court which, under that Notification, has original and appellate criminal jurisdiction in pursuance of the Statute 28 and 29 Vict., cap. 15, section 3, over European British subjects (being Christians) resident in such State, territory or Chiefship.

2. Foreign Department Notification No. 179-J., dated the 23rd September, 1874, is hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 612.]**Fees leviable by Marriage Registrars and Rules for the disposal thereof.**

No. 1586-E., dated the 29th August, 1892.—In exercise of the powers conferred by section 84 of the Indian Christian Marriage Act (XV. of 1872), the Governor General in Council is pleased, so far as regards Christian subjects of Her Majesty within the territories of Native Princes or States in India for the time being in alliance with Her Majesty (excepting the Native States which are situate within or border on the presidencies of Fort St. George and Bombay, but including the territories of His Highness the Maharaja of Mysore and those administered by

<sup>1</sup> The States entered in italics are now under the Baghelkhand Agency.

**PART I.—ALL NATIVE STATES IN INDIA.—*contd.***

**British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.***

**Fees leviable by Marriage Registrars and Rules for the disposal thereof—*conold.***

the Agent to the Governor General in Baluchistan as such Agent), to fix the following scale of fees to be charged under the Act, and to make the following rules in regard to the disposal of such fees:—

*I.—Scale of Fees.*

	Rs.	A.	P.
1. For receiving each notice of marriage . . . . .	1	0	0
2. For publishing each notice of marriage . . . . .	2	0	0
3. For the issuing of each certificate of marriage by a Marriage Registrar . . . . .	5	0	0
4. For registering each marriage by a Marriage Registrar . . . . .	3	0	0
5. For entering each protest against, or prohibition of, the issue of a marriage certificate by a Marriage Registrar . . . . .	10	0	0
6. For searching marriage register-books, or certificates or duplicates or copies thereof for a period of not more than one year, or, in the case of a search of the register-books or certificates prescribed under sections 37, 61 and 62, for a period of not more than two years . . . . .	1	0	0
7. For every additional year . . . . .	0	4	0
8. For granting a copy of any entry in marriage register-books or certificates or duplicates or copies thereof under sections 63 and 79 . . . . .	1	0	0

*II.—Rules.*

- I.—Fees levied by Marriage Registrars, being Government servants, must, until further notice, be paid into the Government Treasury, and shall be credited to provincial services or in such other manner as may be directed by the Government of India. Marriage Registrars who are not Government servants are permitted to retain for their own use any fees which they may receive under the first part of this Notification.
- II.—The fees chargeable under the first part of this Notification shall not be levied when the parties concerned are officers or others in the Military or Naval services of Her Majesty.
- III.—Marriage Registrars are authorised to remit any portion, not exceeding three-fourths, of the fees in cases in which they may consider the parties unable to pay such fees in full.
2. The following Notifications are hereby cancelled:—
  - (1) No. 2220, dated the 16th October, 1873, published at page 902 of Part I of the *Gazette of India* for 1873
  - (2) No. 2823-I., dated the 8th July, 1891, published at page 416 of Part I of the *Gazette of India* for 1891.
  - (3) No. 4496-I., dated the 9th November, 1891, published at page 631 of Part I of the *Gazette of India* for 1891.
  - (4) No. 383-I., dated the 26th January, 1892, published at page 70 of Part I of the *Gazette of India* for 1892.

[See *Gazette of India*, 1892, Pt. I, p. 564.]

Orders as to Presidencies within which Native States should be included for purposes of the Administrator General's Act.

*No. 101-J., dated the 19th July, 1878.*—In exercise of the power conferred by section 3 of Act II of 1874 (the Administrator General's Act), the Governor General in Council is pleased to direct that the dominions of Princes and States in India in alliance with Her Majesty shall, for the purposes of the said Act, be



PART I.—ALL NATIVE STATES IN INDIA—*contd.*British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.*

Orders as to Presidencies within which Native States should be included for purposes of the Administrator General's Act, 1874—*contd.*

included in the Presidencies of Bengal, *Madras* and *Bombay*, respectively, as follows<sup>1</sup> :—

## IN THE PRESIDENCY OF BENGAL.

*Gwalior*.—The whole State, excepting the Sir Subahship of *Malwa* and certain districts under the Sir Subah of *Esangarh*, which are included in the Presidency of *Bombay*.

## Bundelkhand and Baghlekhand States and Chiefships—

Ajaigarh.	Garrauli.	Pahara.
Alipura.	Gaurihár.	Páldeo.
Baoni.	Jasso.	Panna.
Bebat.	Jigni.	Rewah.
Behri.	Kaunta Rajaula.	Samthar.
Bhaironda.	Khaniadhána.	Saríla.
Bhaisaunda.	Kothi.	Soháwál.
Bijáwar.	Lughasi.	Taráon.
Bijna.	Myhere.	Tori Fatehpur.
Chirkhari.	Nagod.	Holkar's district of Alampur.
Chhatarpur.	Naiagaon.	
Dattia.	Orehha.	
Dhurwai.	Pahári Banka.	

## IN THE PRESIDENCY OF BOMBAY.

Barwai.	Narsinghgarh.	Gwalior, districts of—	
Barwáni.	Rájgarh.	Agar.	
Bhopal. The whole State.	Rajpur Ali.	Amjhera.	With the several parganas subordinate thereto, included in the charge of Sindhia's Sir Subah of Malwa.
Dewás.	Ratanmal.	Bag.	
Dhár.	Rutlam.	Dikhtán.	
Indore. The whole State, excepting the district of Alampur.	Sailána.	Mandisur.	
Jaora.	Sítaman.	Neemuch.	
Jhábua.	Jhalra Patan districts of Gangrá.	Ságor.	
Jobat.	Gangrá.	Shujáulpur.	
Kathiwára.	Pach Pahar.	Soukachi.	
Khilohpur.	Dag.	Ujjain.	
Maksudangarh.	The Tonk districts of—	and	
Mathwár.	Pirawa.	Bhíla.	With the several parganas subordinate thereto, which form part of the charge of Sindhia's Sir Subah of Esangarh.
Muhammadgarh.	Sironj	Gani Baroda.	
		Makargarh.	

The States under the Western Malwa Agency.<sup>2</sup>  
The States under the Bhil Agency.<sup>3</sup>

The States under the Deputy Bhil Agency.<sup>3</sup>  
The States under the Guna Agency.<sup>4</sup>

<sup>1</sup> Owing to the great length of the list of Native States appended to this Notification, only the portions relating to the States in the Central Provinces and in the Central India Agency have been set out.

<sup>2</sup> Now called the Malwa Agency.

<sup>3</sup> These Agencies are now included in the Bhopawar Agency.

<sup>4</sup> The Political Officer at Guna is now styled Assistant to the Resident at Gwalior.

**PART I.—ALL NATIVE STATES IN INDIA—*contd.***

**British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.***

**Orders as to Presidencies within which Native States should be included for purposes of the Administrator General's Act, 1874—*concl'd.***

**The feudatory States in the Central Provinces—**

Bamra.  
Bastar.  
Kankar.  
Karond, or Kala-  
haudi.

Kawarda.  
Khairagarh.  
Makrai.  
Nandgaon.  
Patna.

Raigarh Bargah.  
Pairakhol.  
Sakti.  
Sarangarh.  
Sonepur.

[See *Gazette of India*, 1878, Pt. I, p. 438.]

**Rules for the issue of warrants by Political Agents and treatment of prisoners.**

*No. 31-J., dated the 12th March, 1875.*—In exercise of the powers conferred on him by sections 13 and 15 of Act XI of 1872,<sup>1</sup> and of all other powers enabling him in this behalf,<sup>2</sup> the Governor General in Council is pleased to make the following rules :—

1. The Political Agent shall not issue a warrant, under section 11 of the Act, in any case which is provided for by Treaty, if the Native State expressly desired to abide by the procedure of the Treaty, nor in any case in which application for surrender is made under section 14 to the Governor General in Council or any local Government.

2. The Political Agent shall not issue a warrant under section 11, except on a request preferred to him in writing by, or by the authority of, the person for the time being administering the executive Government of the Native State at which he is the British representative, and on the understanding that the provisions of <sup>3</sup>Act XI of 1872 and of these rules are to apply to the case.

3. If the accused be a British subject the Political Agent shall, before issuing such a warrant, consider whether he ought not to certify the case as one for trial in British India, and he shall, instead of issuing a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India than in the Native State.

4. The Political Agent shall in all cases, before issuing a warrant under section 11, satisfy himself, by preliminary enquiry, that there is a *prima facie* case against the accused, and that the charge is not prompted by political motives.

\*5. If the person surrendered under the warrant of a Political Agent, issued under section 11, be not a British subject ; or, if such person being a British subject, the Courts of the State, either by custom or by the express recognition of the Governor General in Council, try Native British subjects surrendered to them by extradition, and the Political Agent, after hearing the statement, if any, of the accused and making such further enquiry as he may deem necessary, is still satisfied that there is a *prima facie* case against the accused, and that the charge is not prompted by political motives, the Political Agent shall make over the accused to be tried by the ordinary Courts of the State in which the offence was committed :

<sup>1</sup> See now Act XXI of 1879, sections 2, 13 and 18.

<sup>2</sup> In spite of these reference to "other powers" these rules have been classified as a British-Indian enactment, because they appear, in so far as they extend to Native territory, to be of the nature of instructions to Political Agents, i.e., British subjects.

<sup>3</sup> See now Act XXI of 1879.

<sup>4</sup> Rule 5 was substituted for the original rule by Notification N. 87-J., dated the 16th August 1876, *Gazette of India*, 1876, Pt. I, p. 440.

PART I.—ALL NATIVE STATES IN INDIA—*contd.*British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.*Rules for the issue of warrants by Political Agents and treatment of prisoners—*contd.*

XLV of 1860. provided that the Courts of the State have, by custom or recognition as aforesaid, power to inflict the punishment which may be inflicted under the Indian Penal Code<sup>1</sup> for the offence with which the accused person is charged.

6. If the accused person be a British subject, but the Courts of the State do not by custom or recognition as aforesaid, try Native British subjects, the Political Agent shall dispose of the case himself.

7. If the punishment which may be awarded by the Indian Penal Code,<sup>1</sup> for any offence for which the accused person has been surrendered as above be more than the Courts of the State by custom or recognition as aforesaid inflict, the Political Agent may try the case himself if he thinks it advisable to do so.

8. Notwithstanding anything in the three preceding rules, the Political Agent shall try any such case himself, or make it over for trial to the ordinary Courts of the State, if he be generally or specially instructed by the Governor General in Council so to do.

9. In cases made over for trial by the Courts of a Native State under rules 5 and 7, the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted in the case of his conviction is not excessive or barbarous; and, if he is not so satisfied, he shall demand the restoration of the prisoner to his custody, pending the orders of Government.

10. A return of all persons made over for trial by the Courts of a Native State under rules 5 and 7 shall be submitted half-yearly by the Political Agent to the Government of India or the Government of Madras or Bombay, as the case may be, in the following form :—

*Half-yearly Return under Rule 9<sup>a</sup> of the Rules under the Extradition Act (XI of 1872)<sup>b</sup> of persons made over by the Political Agent at for trial by the Courts of Native States under Rules 5 and 7, for the period ending*

Number.	Name of person.	Nationality.	Offence with which charged.	Where arrested.	Date of surrender.	Native State to which surrendered for trial.	Reasons for surrender.	Nature of sentence passed, with date of sentence.	REMARKS.

11. Persons arrested in British territory on a warrant issued by a Political Agent under section 11, and persons arrested on a warrant issued under section 14, shall be treated, as far as possible, in the same way as persons under trial for a similar offence would be treated under the Code of Criminal Procedure [Act X of 1872]<sup>c</sup>

<sup>1</sup> Printed, General Acts, Vol. I, Ed. 1898, p. 240.

<sup>2</sup> *Sic.* Read "Rule 10."

<sup>3</sup> Repealed. See now Act XXI of 1879.

<sup>4</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 389.

**PART I.—ALL NATIVE STATES IN INDIA—*contd.***

**British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.***

**Rules for the issue of warrants by Political Agents and treatment of prisoners—*concl'd***

or under the procedure in force in the Presidency-towns if the arrests take place within any Presidency-town.

12. The persons sentenced to imprisonment by the Political Agent shall, if British subjects, be conveyed to the most convenient jail in British territory, there to be dealt with as though the conviction had taken place in a Court of British India: provided always that no appeal shall thereby be given other than is allowed by any rule for regulating appeals from the decision of the Political Agent.

13. Nothing in Rules 5 to 10, inclusive, which refer to cases under section 13 of the said Act, shall be deemed to apply to Political Agents immediately under the authority of the Governor in Council of the Presidency of Fort St. George or the Governor in Council of the Presidency of Bombay.

[See *Gazette of India*, 1875, Pt. I, p. 128.]

*No. 149-J., dated the 8th October, 1875.*—The Governor General in Council is pleased to order that the Notification of this Department (*i.e.*, the *Foreign Department*), No 31-J., dated the 12th March, 1875, publishing certain rules under Act XI of 1872 (The Foreign Jurisdiction and Extradition Act, 1872),<sup>1</sup> shall not apply to Native territory under the direct administration of the British Government, in which the Code of Criminal Procedure (Act X of 1872)<sup>2</sup> is in force.

[See *Gazette of India*, 1875, Pt. I, p. 524.]

**Exercise of powers of a District Judge under the Administrator General's Act in Native States.**

*No. 3542-I., dated the 27th August, 1891.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the powers and duties which are conferred and imposed on a District Judge by section 64 of the Administrator General's Act (II of 1874), as amended by section 13 of Act II of 1890, shall in the dominions of Princes and States in India in alliance with Her Majesty, be respectively conferred upon and discharged by the following officers:—

- (a) In any dominion in or for which a District Court has been established or continued by the Governor General in Council, the Judge of that Court: provided that when more than one officer exercises the powers of a District Judge in any such dominion, it shall be competent for the officer who exercises in that dominion the powers of a High Court to determine by whom the aforesaid powers and duties shall be exercised in any particular case or within any specified area in that dominion; and
- (b) In all other cases, the Political Agent (as defined in section 3 of the first-mentioned Act).

[See *Gazette of India*, 1891, Pt. I, p. 510.]

<sup>1</sup> Repealed. See now Act XXI of 1879.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380.

PART I.—ALL NATIVE STATES IN INDIA—*contd.***British-Indian Enactments—Rules and Orders under Statutes or Acts—*contd.***

**Arrest and surrender of persons accused in Native States of offences against the Criminal Tribes Act, 1871 (XXVII of 1871).**

*No. 3361-I.A., dated the 23rd December, 1898.*—In exercise of the powers conferred by section 11 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), the Governor General in Council is pleased to declare that a Political Agent may issue a warrant for the arrest and surrender of any person accused of having done in any State against the law of such State an act which would, if done in any part of British India where the Criminal Tribes Act, 1871 (XXVII of 1871) <sup>1</sup> is for the time being in force, have constituted an offence against any of the provisions of the latter Act.

[See *Gazette of India*, 1898, Pt. I, p. 1196.]

**Appointment of Collectors for Income-tax purposes.**

<sup>2</sup> *No. 4135-I., dated the 16th September, 1887.*—In exercise of the powers conferred by section 40 of Act II of 1886 (The Income-tax Act, 1886), the Governor General in Council is pleased to invest each of the Political Officers named below with the powers of a Collector under the said Act for the purpose of granting certificates in respect of interest on Government Securities in Forms B, C and D, prescribed in Rule 9 of the Notification issued by the Government of India in the Department of Finance and Commerce, No. 593,<sup>4</sup> dated the 5th February, 1886, when such securities are held by persons residing outside of British India:—

- |      |  |   |   |   |
|------|--|---|---|---|
| *    | *  | * | * | * |
| (6)  | The First Assistant to the Agent to the Governor General in Central India.             |   |   |   |
| (7)  | The Resident at Gwalior.   |   |   |   |
| (8)  | The Political Agent in Bhopal.   |   |   |   |
| (9)  | The Political Agent in Baghelkhand and Superintendent of the Rewah State. <sup>5</sup> |   |   |   |
| (10) | The Political Agent in Bundelkhand.  |   |   |   |
| (11) | The Political Agent in Bhopawar.   |   |   |   |
| *    | *  | * | * | * |

[See *Gazette of India*, 1887, Pt. I, p. 465.]

<sup>1</sup> Printed, N.-W. P. and Oudh Code, Ed. 1893 p. 157.

<sup>2</sup> Only so much of this Notification has been printed here as refers to Native States in the Central India Agency.

<sup>3</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed General Acts, Vol. VI, Ed. 1898, p. 331.

<sup>4</sup> See now Notification No. 2763, dated the 6th June, 1890, in *Gazette of India*, 1890, Pt. I, p. 409.

<sup>5</sup> The Superintendency at Rewah has now been abolished.

## PART II.—THE BRITISH ENACTMENTS IN FORCE LOCALLY IN THE NATIVE STATES UNDER THE POLITICAL CON- TROL OF THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

### CHAPTER I.—THE NATIVE STATES.

### CHAPTER II.—RAILWAY UNDER BRITISH JURISDICTION.

The Bengal-Nagpur Railway.

Bamra.  
 Gangpur.<sup>1</sup>  
 Khairagarh.  
 Khursowan.<sup>1</sup>  
 Nandgaon.  
 Raigarh.  
 Rewah.<sup>2</sup>  
 Sakti.  
 Seraikilla.<sup>2</sup>

<sup>1</sup> These States are under the Government of Bengal, as to which *see* the Northern India Volume ; but the lands in the western parts of the State of Gangpur, occupied by the Bengal-Nagpur Railway, have been placed under the administration of the Chief Commissioner of the Central Provinces.

<sup>2</sup> The Rewah State is under the Central India Agency, as to which *see infra*, p. 291 ; but the lands occupied by the Bengal-Nagpur Railway in the Rewah State have been placed under the administration of the Chief Commissioner of the Central Provinces.



## CHAPTER I.—THE NATIVE STATES.

## CHAPTER I.

## THE NATIVE STATES IN THE CENTRAL PROVINCES.

Comprising the Feudatory States<sup>1</sup> of—

- |                                       |                            |                             |
|---------------------------------------|----------------------------|-----------------------------|
| 1. Kawardha. <sup>2</sup>             | 6. Raigarh.                | 11. Kondka, or Chhuikhadan. |
| 2. Sakti.                             | 7. Bastar.                 | 12. Bamra.                  |
| 3. Patna. <sup>2</sup>                | 8. Sonepur.                | 13. Kanker or Kakeir.       |
| 4. Karond, or Kalahandi. <sup>2</sup> | 9. Rehrakol.               | 14. Khairagarh.             |
| 5. Sarangarh. <sup>2</sup>            | 10. Nandgaon. <sup>2</sup> | 15. Makrai.                 |

[For the relations of the British Government with the States under the political control of the Chief Commissioner of the Central Provinces, *see* Aitchison's *Treaties*, Volume VIII, pages 497—513. For the purposes of Chapters IV and V of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), the Commissioner of Bilaspur is the Political Agent for the first two States in the above list, and the Political Agent, Chhattisgarh Feudatories, for the rest of the States, except Makrai, which is under the Commissioner, Nerbudda Division (*see* Notifications Nos. 2021-I, and 2022-I, dated the 18th June, 1890, *Gazette of India*, 1890, Part I, page 441).]

The British Enactments in force locally in these States consist of—

*British-Indian Enactments, namely,—*

Local Rules and Orders under Acts in force generally in all Native States.

<sup>1</sup> In addition to these Feudatory Chiefs, the Central India Mediatized Chiefs of Panghat, Dhangaon, Sillani, Changar and Jamti are also under the Chief Commissioner of the Central Provinces (*see* Aitchison's *Treaties*, Vol. IV, pp. 222, 217 and 458).

<sup>2</sup> These States are at present under Government management.



## CHAPTER I.—THE NATIVE STATES.

*British-Indian Enactments.*

## LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
Indian Christian Marriage Act, 1872 (XV of 1872).	8, 56 and 86	Appointment of Marriage Registrars and a Registrar General. Chief Commissioner of the Central Provinces empowered to fix fees and make rules as required by sections 82 and 83 of the Act.	No. 2231-I., dated the 2nd June, 1892. [Printed, <i>infra</i> , p. 27.]
Ditto . . .	86	Delegation to Chief Commissioner of the Central Provinces of the powers and functions given to the Governor General in Council under sections 6, 8 and 9.	No. 3741-I.B., dated the 1st October, 1897. [Printed, <i>infra</i> , p. 27.]
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	6	Appointment of Justices of the Peace for groups of States.	No. 2884-I., dated 29th August, 1897. [Printed, <i>infra</i> , p. 28.]
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 and 24(2)	Appointment of Registrars of Births and Deaths, with reference to section 11 (1) (b), and a Registrar General of Births, Deaths and Marriages.	No. 2332-I., dated the 2nd June, 1892. [Printed, <i>infra</i> , p. 28.]
Ditto . . .	13	Appointment of Superintendent for the time being of the Chhattisgarh Pilgrim Mission, American Free Methodist Church, Rajnandgaon, to be a Registrar of Births and Deaths with reference to section 11 (1) (b).	No. 1532-I., dated 13th May, 1895. [Printed, <i>infra</i> , p. 29.]

CHAPTER I.—THE NATIVE STATES—*contd.*

## BRITISH-INDIAN ENACTMENTS.

## Local Rules and Orders under Acts in force generally in all Native States in India.

Notifications under the Indian Christian Marriage Act, 1872 (XV of 1872).

*No. 2231-I., dated the 2nd June, 1892.*—In exercise of the power conferred by section 8 of the Indian Christian Marriage Act (XV of 1872), the Governor General is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule, and being Christians, to be Marriage Registrars for the local areas mentioned opposite their designations in the second column of that schedule respectively :—

Offices.	Local areas.
The Political Agent, Chhattisgarh Feudatories	The Feudatory States of Bastar, Kalahandi, Patna, Sonepur, Bamra, Rehrakol, Raigarh, Sarangarh, Khairagarh, Nandgaon, Kankar, Chhuikhadan, Sakti and Kawardha.
The Deputy Commissioner, Hoshangabad	
	The Feudatory State of Makrai.

II.—The Governor General in Council is further pleased, under section 56 of the said Act, to appoint the Registrar General of Births, Deaths and Marriages for the Central Provinces for the time being to be the officer to whom the said Marriage Registrars shall send the certificates mentioned in section 54 of the Act.

III.—The Governor General in Council is also pleased, under section 86 of the said Act, to empower the Chief Commissioner of the Central Provinces to fix fees and make rules, as required by sections 82 and 83 of the Act, for the local areas mentioned in the foregoing schedule.

IV.—The Notification of the Government of India in the Foreign Department, No. 4447-I., dated the 5th November, 1891, is hereby cancelled.

[See *Gazette of India*, 1892, Pt. I, p. 357.]

*No. 3741-I.B., dated the 1st October, 1897.*—In exercise of the powers conferred by section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased to delegate to \* \* \* \* \* the Chief Commissioners of the Central Provinces and Assam the powers and functions given to the Governor General in Council by sections 6, 8, and 9 of the said Act as regards the Native States respectively under their political control.

[See *Gazette of India*, 1897, Pt. I, p. 473.]

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Appointment of Justices of the Peace.**

*No. 2884-I., dated the 29th August, 1890.*—In exercise of the power conferred by section 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, the Governor General in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule, provided that such persons be European British subjects, to be Justices of the Peace, within the Native States mentioned opposite their designations in the second column of that schedule respectively :—

Offices.	States.
(1) The Deputy Commissioner of Raipur . . . . .	{ Nandgaon. Khairagarh. Chhuikhadan.
(2) Any Assistant Commissioner at Raipur invested with the powers of a Justice of the Peace under the Code of Criminal Procedure.	
(3) The Deputy Commissioner of Bilaspur . . . . .	
(4) Any Assistant Commissioner at Bilaspur invested with the powers of a Justice of the Peace under the Code of Criminal Procedure.	{ Kawardha. Sakti. Raigarh.
(5) The Deputy Commissioner of Sambalpur . . . . .	
(6) Any Assistant Commissioner at Sambalpur invested with the powers of a Justice of the Peace under the Code of Criminal Procedure.	{ Sarangarh. Bamra. Rehrakol. Sonepur.
(7) The Political Agent, Chhattisgarh Feudatories . . . . .	
	{ Patna. Kalahandi. Kankar. Bastar.

[See *Gazette of India*, 1890, Pt. I, p. 641.]

**Appointment of Registrars of Births and Deaths and a Registrar General.**

*No. 2232-I., dated the 2nd June, 1892.*—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act (VI of 1886), the Governor General in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule to be Registrars of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act for the local areas mentioned opposite their designations in the second column of that schedule respectively :—

Offices.	Local areas.
The Political Agent, Chhattisgarh Feudatories . . . . .	{ The Feudatory States of Bastar, Kalahandi, Patna, Sonepur, Bamra, Rehrakol, Raigarh, Sarangarh, Khairagarh, Nandgaon, Kankar, Chhuikhadan, Sakti, and Kawardha.
The Deputy Commissioner, Hoshangabad . . . . .	
	The Feudatory State of Makrai.

CHAPTER I.—THE NATIVE STATES—*contd.*

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**British-Indian Enactments—Local Rules and Orders under Acts—*concl'd.***

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**Appointment of Registrars of Births and Deaths and a Registrar General.—*concl'd.***

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II.—For the purposes of section 24, sub-section (2), of the said Act, the Governor General in Council is further pleased to appoint the Registrar General of Births, Deaths and Marriages for the Central Provinces for the time being to be the Registrar General for the said local areas.

III.—The Notification of the Government of India in the Foreign Department, No. 4448-I., dated 5th November, 1891, is hereby cancelled.

[See *Gazette of India*, 1892, Pt. I, p. 357.]

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*No. 1532-I., dated the 13th May, 1895.*—In exercise of the powers conferred by section 13 of the Births, Deaths, and Marriages Registration Act (VI of 1886), the Governor General in Council is pleased to appoint the person for the time being holding the office of Superintendent, Chhattisgarh Pilgrim Mission, American Free Methodist Church, Rajnandgaon, to be a Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act, within the Feudatory States of the Central Provinces.

[See *Gazette of India*, 1895, Pt. I, p. 404.]

CHAPTER I.—THE NATIVE STATES—*concl'd.*

## SUPPLEMENTARY NOTES.

**I.—Delegation of functions with respect to suits against Chiefs.**—By Notification No. 1369-I., dated the 29th March, 1889, the Local Government of the Central Provinces and its Secretaries have been authorized, under section 433, sub-section (4), of the Civil Procedure Code, to exercise, with respect to these Chiefs, the functions assigned by sub-sections (1), (2) and (3) of the said section to the Governor General in Council and a Secretary to the Government of India, respectively. (See *Gazette of India*, 1889, Pt. I, p. 187.)

**II.—Powers and Status of Feudatory Chiefs.**—All the Feudatory Chiefs exercise full civil and revenue powers in their States. In criminal cases, such of them as have received Sanads in the form No. CXLVI, at page 548 of Vol. VIII of Aitchison's Treaties, need only submit sentences of capital punishment for confirmation by the Commissioner of Chhattisgarh; but the rest have to submit for confirmation all sentences of imprisonment exceeding seven years (see the form of Fealty Bond, No. CXLV, at page 547, *ib.*). Neither the Chiefs nor their subjects are amenable to British laws for acts done or property possessed in their States. (See *ib.*, Vol. VIII, p. 502.)

**III.—The Zamindaries.**—In addition to the Feudatory Chiefs there are a great number of state holders or zamindars in the Central Provinces whose position is merely that of British subjects, though some of them are responsible for the management of, and maintenance of order in, large tracts of country, and have received Sanads defining their tenure, mode of succession, their duties as managers, forest rights and kindred subjects. (See *ib.*, Vol. VIII, p. 514, and Nos. CLIII and CLIV.)

**IV.—Railway Lands.**—Jurisdiction over the lands occupied by the Bengal-Nagpur Railway in the States of Bamra, Khairagarh, Nandgaon, Raigarh and Sakti has been acquired by the British Government. (See Chap. II, p. 31, *infra*.)

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CHAPTER II.—RAILWAY UNDER BRITISH JURISDICTION.

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## CHAPTER II.

## RAILWAY UNDER BRITISH JURISDICTION.

THE BENGAL-NAGPUR RAILWAY.

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The sections<sup>1</sup> lying within the States of Bamra, Khairagarh, Nandgaon, Raigarh and Sakti and within the Hingir Taluk and the western parts of the Gangpur State.

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The British Enactments in force locally in these sections of the Bengal-Nagpur Railway consist of—

*British-Bengal-Nagpur Railway Enactments, namely,—*

## 1. Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

## 2. Local Rules and Orders—

under Acts of the Governor General in Council locally applied.

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<sup>1</sup> For information as to the sections of this Railway which pass through the States of Seraikilla, Khursowan, the eastern parts of that of Gangpur (Tributary Mehals of Chota Nagpur), see Chapter IV, Part II of the Northern India Volume. For the section in the Rewah State, see Chapter V of Part III of this Volume, p. 291, *infra*.

## CHAPTER II.—THE BENGAL-NAGPUR RAILWAY.

*British-Bengal-Nagpur Railway Enactments.*1.-(a)<sup>1</sup> ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Extent of Application.	Notification.
Revenue Recovery Act, 1890 (I of 1890).	The whole Act . . . .	No. 1415-I., dated the 30th April, 1890. [Printed, <i>infra</i> , p. 347.]
Indian Railways Act, 1890 (IX of 1890).	The whole Act, so far as it is suitable and as amended by subsequent enactments.	No. 3063-I.B., dated the 13th August, 1897. [Printed, <i>infra</i> , p. 278.]
Epidemic Diseases Act, 1897 (III of 1897).	The whole Act . . . .	No. 443-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]

<sup>1</sup> See also Notification No. 1297-I., dated the 13th April, 1893, printed at p. 293 *infra*, which applies to this and other sections of the Railway all laws for the time being in force in certain districts of the Central Provinces; for such laws as are Acts of the Governor General in Council, see the Central Provinces Code and Vols. I to VI of the unrepealed General Acts of the Governor General.

CHAPTER II.—THE BENGAL-NAGPUR RAILWAY—*contd.**British-Bengal-Nagpur Railway Enactments.*

## 1.-(b) SPECIAL LOCAL LAWS.

When made.	Subject of Notification.	Notification.	Reference.
1890	Recovery of revenue arrears accruing in British India.	No. 1415-I., dated the 30th April, 1890.	Printed, <i>infra</i> , p. 347.
1891	Printing and publication of newspapers and other printed works.	No. 2651-I., dated the 25th June, 1891.	Printed, <i>infra</i> , p. 348.
1893	Declaring laws in force and providing for the administration of justice and the police.	No. 1237-I., dated the 13th April 1893, as amended by No. 962-I.B., dated the 14th April, 1898.	Printed, <i>infra</i> , p. 36.
	Empowering British Courts beyond British India to send their warrants for the execution of capital sentences to jails in British India.	No. 1431-I., dated the 27th April, 1893.	Printed, <i>infra</i> , p. 345.



CHAPTER II.—THE BENGAL-NAGPUR RAILWAY—*contd.**British-Bengal-Nagpur Railway Enactments.*2.-LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL  
LOCALLY APPLIED.

Act.	Section.	Subject of Notification.	Notification.
Police Act, 1888 (III of 1888)	2 (1) & (2)	Forming the lands occupied by the Bengal-Nagpur Railway into a general Police District, directing the enrolment of a Police force for service therein, and appointing the Chief Commissioner of the Central Provinces to discharge the functions of a Local Government within it.	No. 99, dated the 18th February, 1898. [Printed, <i>infra</i> , p. 37.]
Indian Railways Act, 1890 (IX of 1890.)	16	Sanctioning the use of motive power and rolling stock.	No. 3063-I.B., dated the 13th August, 1897. [Printed, <i>infra</i> , p. 278.]
Ditto . . . . .	47	General Rules <sup>1</sup> for working open lines of Railway.	Ditto.
Ditto . . . . .	"	General Rules <sup>1</sup> for working Railways under construction.	Ditto.
Ditto . . . . .	84 & 85	Rules under the Sections.	Ditto.
Ditto . . . . .	135	Declaring Railway administrations liable to pay certain local taxes.	Ditto.
Ditto . . . . .	144	Declaring the Chief Commissioner, Central Provinces, to be the Local Government for such parts of the Bengal-Nagpur Railway as pass through certain Central Provinces States and parts of the Gangpur State.	Ditto.
Ditto . . . . .	"	Delegating certain powers and functions to the Chief Commissioner of the Central Provinces.	Ditto.
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegating to the Local Government the powers conferred by s. 2 (2) (b).	No. 444-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 342.]

<sup>1</sup> These are the General Rules made under s. 47 of the Act for all Railways in British India. They were applied to this among other Railways by the Notification cited against them.

CHAPTER II.—THE BENGAL-NAGPUR RAILWAY—*contd.*

## BRITISH-BENGAL-NAGPUR RAILWAY ENACTMENTS.

## 1.-(b) Notifications applying Acts to the Governor General in Council.

Revenue Recovery Act, 1890 (I of 1890).

*No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

Indian Railways Act, 1890 (IX of 1890).

*No. 3063-I.B., dated the 13th August, 1897.—printed, infra, p. 278.*

Epidemic Diseases Act, 1897 (III of 1897).

*No. 443-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

## 1.-(b) Special Local Laws.

Recovery of Revenue arrears accruing in British India.

*No. 1415-I., dated the 30th April 1890.—printed, infra, p. 347.*

Printing and Publication of newspapers and other printed works.

*No. 2651-I., dated the 25th June 1891.—printed, infra, p. 348.*

Notification declaring Laws in force and providing for the Administration of Justice.

*No. 1237-I., dated the 13th April, 1893.—Whereas the Governor General in**(a) The Feudatory States of Khairagarh, Nandgaon, Sakti, Raigarh, and Bamra.**(b) The part of the Feudatory State of Gangpur comprised in the Hingir taluk.**(c) The western parts of the said Feudatory State of Gangpur between the Sambalpur Road and Govindpur Railway stations.**(d) The Bewah State.**Council has full jurisdiction within those portions of land which are or hereafter may be occupied by the Bengal-Nagpur Railway (including land occupied as stations, for out-buildings, and for other purposes connected with the Railway), and which lie within the territories named in the margin.*

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to

CHAPTER II.—THE BENGAL-NAGPUR RAILWAY—*contd.***British-Bengal-Nagpur Railway Enactments—1.-(b) Special Local Laws.**

**Notification declaring Laws in force and providing for the Administration of Justice—*contd.***

provide as follows for the administration of justice within the aforesaid portions of land:

I. (1) All laws for the time being in force in the Raipur district of the Central Provinces shall be in force in the portions of the aforesaid land which lie within the Feudatory States of Khairagarh and Nandgaon.

(2) All Courts having for the time being jurisdiction within the Raipur district of the Central Provinces shall exercise the same jurisdiction within these portions of the aforesaid land.

II. (1) All laws for the time being in force in the Bilaspur district of the Central Provinces shall be in force in the portions of the aforesaid land which lie within the Feudatory State of Sakti.

(2) All Courts having for the time being jurisdiction within the Bilaspur district of the Central Provinces shall exercise the same jurisdiction within these portions of the aforesaid land.

III. (1) All laws for the time being in force in the Sambalpur district of the Central Provinces shall be in force in the portions of the aforesaid land which lie within the Feudatory States of Raigarh and Bamra, the part of the Feudatory State of Gangpur comprised in the Hingir taluk, and the western parts of the said Feudatory State of Gangpur between the Sambalpur Road and Govindpur railway stations.

(2) All Courts having for the time being jurisdiction within the Sambalpur district of the Central Provinces shall exercise the same jurisdiction within these portions of the aforesaid land.

IV. (1) All laws for the time being in force in the Jubbulpur district of the Central Provinces shall be in force in the portions of the aforesaid land which lie within the Rewah State.

(2) All Courts having for the time being jurisdiction within the Jubbulpur district of the Central Provinces shall exercise the same jurisdiction within these portions of the aforesaid land.

V. The Notification by the Government of India in the Foreign Department, No. 3146-I., dated the 29th July, 1891, is hereby cancelled.

[See *Gazette of India*, 1893, Pt. I, pp. 202.]

**Execution of warrants of capital sentences of British Courts beyond British India.**

*No. 1431-I., dated the 27th April, 1893.—printed, infra, p. 341.*

<sup>1</sup> Clause (8) of paras. 1, 2, 3 and 4, were cancelled by Notification No. 962-I.B., dated the 14th April, 1898, see *Gazette of India*, 1898, Pt. I, p. 381.

CHAPTER II.—THE BENGAL-NAGPUR RAILWAY—*concl'd.*

## BRITISH-BENGAL-NAGPUR RAILWAY ENACTMENTS.

## Local Rules and Orders under Acts of the Governor General in Council locally applied.

## Formation of a General Police District.

*No. 99, dated the 18th February, 1898.*—In exercise of the power conferred by section 2, sub-sections (1) and (2), of the Police Act, III of 1885,<sup>1</sup> and of all other powers enabling him in this behalf, the Governor General in Council is pleased to create a general Police District embracing all the lands for the time being occupied by the Bengal-Nagpur Railway (including the lands occupied by stations and out-buildings, and for other railway purposes), and to direct the enrolment under the Police Act, 1861, of a police force for service therein.

The Governor General in Council is also pleased to appoint the Chief Commissioner of the Central Provinces to discharge, within the general Police District aforesaid, the functions of the Local Government under the Police Act, 1861,<sup>2</sup> the Code of Criminal Procedure, 1882,<sup>3</sup> and any other enactment relating to police for the time being in force in the lands aforesaid or in any part thereof.

[See *Gazette of India*, 1898, Pt. I, p. 142.]

## Orders under the Indian Railways Act, 1890.

*No. 3063-I.B., dated the 13th August, 1897.*—printed, *infra*, p. 278.

## Order delegating powers under the Epidemic Diseases Act, 1897.

*No. 444-I.A., dated the 4th February, 1897.*—printed, *infra*, p. 340.

<sup>1</sup> Printed, General Acts, Vol. V, Ed. 1898, p. 199. The Act is in force in the lands occupied by this Railway in the Feudatory States of the Central Provinces by virtue of Notification No. 1237-I., dated the 18th April, 1898, printed, *supra*.

<sup>2</sup> Printed, General Acts, Vol. I, Ed. 1898, p. 879.

<sup>3</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is the Code now in force in these lands in virtue of the Notification quoted in the second footnote. The Act is printed in General Acts, Vol. VI, Ed. 1898, p. 380.



## PART III.—THE BRITISH ENACTMENTS IN FORCE LOCALLY IN THE NATIVE STATES IN THE CENTRAL INDIA AGENCY.

CHAPTER I.—THE NATIVE STATES.

CHAPTER II.—THE UMARIA COAL-FIELDS (REWAH STATE).

CHAPTER III.—CANTONMENTS.

*I.—All Cantonments.*

*II.—Particular Cantonments.*

- (1) The Cantonment of Mhow (Indore).
- (2) The Cantonment of Nowgong (Chhatarpur in Bundelkhand).
- (3) The Cantonment of Neemuch (Gwalior).
- (4) The Cantonments of Agar, Guna (Gwalior), Sehore (Bhopal),  
Sirdarpur (in Bhopawar Agency) and Satna (Baghelkhand).

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS.

CHAPTER V.—RAILWAYS UNDER BRITISH JURISDICTION—

*I.—Central India Railways generally.*

*II.—Particular Railway lines or Systems in Central India.*

- (1) The Bengal-Nagpur.
- (2) The Indian Midland.
- (3) The Rajputana-Malwa.



## CHAPTER I—THE NATIVE STATES.

## CHAPTER I.

## THE NATIVE STATES IN THE CENTRAL INDIA AGENCY.

There are a very large number of Native States and Chiefships under the political control of the Agent to the Governor General for Central India. They form one Agency, known as the Central India Agency, which is divided into seven subordinate Political Agencies, entrusted with the immediate political supervision of the following States and Chiefships respectively :—

Agencies.	Native States or Chiefships.
(1) Baghelkhand Agency . . . . .	Kothi, held under Sanad. Maihar                   " Nagod                   " Rewah. Sohawal, held under Sanad. • Charkhari, Chhatarpur, Panna and certain other States held under Sanad.
(2) Bundelkhand Agency . . . . .	Datia. Orchha or Tehri. Samthar. Bhopal.
(3) Bhopal Agency. . . . .	Chiefships of Kurwai, Muhammadgarh and Maksud- angarh. Narsingarh and Rajgarh. Certain mediatized Chiefs. <sup>1</sup>
(4) Bhopawar Agency . . . . .	Ali Rajpur. Barwani. Dhár. Jhabua. Jobat and other guaranteed Chiefs. <sup>2</sup>
(5) Gwalior Agency . . . . .	Gwalior. Khanisadhana. Certain mediatized Chiefships. <sup>3</sup>
(6) Indore Agency . . . . .	Dewás. Indore. Certain mediatized Chiefs.
(7) Malwa Agency . . . . .	Jaora. Rutham. Sailana. Sitaman. Piploda and other mediatized Chiefs. <sup>4</sup>

[For the relations of the British Government with the States in Central India proper, *see* Aitchison's Treaties, Vol. IV ; for those with the States in Bundelkhand, *see ib.*, Vol. V, pages 1—247 ; for those with these States in Baghelkhand, *see ib.*, pages 249—301.]

The British Enactments in force locally in these States consist of—

*British-Indian Enactments, namely,—*

Local Rules and Orders under Acts in force generally in all Native States in India.

<sup>1</sup> Certain isolated districts belonging to Gwalior, Indore, Tonk and Dewás are also under this Agency.

<sup>2</sup> The Bagod Pargana of the two States of Dewás and certain districts of Gwalior and Indore are also under this Agency.

<sup>3</sup> The Chhabra Pargana of the Tonk State is also under this Agency.

<sup>4</sup> Certain Parganas of Indore, Gwalior, Tonk and Dewás are also under this Agency.



## CHAPTER I.—THE NATIVE STATES.

*British-Indian Enactments.*

## LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Indian Christian Marriage Act, 1872 (XV of 1872).	8 & 9	Appointment of Marriage Registrars and licensing them to grant certificates of marriage between Native Christians.	No. 1311, dated the 11th June, 1873. [Printed, <i>infra</i> , p. 44.]
Ditto . . .	"	Appointment of the Political Agent in Bhopawar, being a Christian, as a Marriage Registrar and licensing him to grant certificates of marriage between Native Christians.	No. 3734-I., dated the 18th September, 1888. [Printed, <i>infra</i> , p. 45.]
Ditto . . .	56	Appointment of the Agent to the Governor General as the officer to whom Marriage Registrars shall send the certificates mentioned in section 54.	No. 1312, dated the 11th June, 1873. [Printed, <i>infra</i> , p. 45.]
Ditto . . .	86	Delegating to the Agent to the Governor General in Central India the powers and functions of the Governor General under sections 6, 8 and 9.	No. 3744-I.B., dated the 1st October, 1897. [Printed, <i>infra</i> , p. 45.]
European Vagrancy Act, 1874 (IX of 1874).	1	Date of commencement of sections 4 to 9 (both inclusive) and of sections 19, 20, 24 and 29 in the Central India Agency.	No. 3918-I., dated the 23rd September, 1891. [Printed, <i>infra</i> , p. 46.]
<sup>1</sup> Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	4 & 5	Declaration as to exercise of powers of High Court within the territories mentioned in Notification No. 159-J., dated 7th August, 1873, in cases in which the accused are European British subjects, being Christians.	No. 181-J., dated the 23rd September, 1874. [Printed, <i>infra</i> , p. 46.]
Ditto . . .	5	Investing the Executive Engineer in charge of the Chambal Bridge with the powers of a Magistrate of the 3rd class.	No. 156-J., dated the 18th August, 1874. [Printed, <i>infra</i> , p. 46.]
Ditto . . .	4 & 5	Powers of all Political Agents, <sup>2</sup> and the Agent to the Governor General respectively, in respect of proceedings against persons other than European British subjects, under the Code of Criminal Procedure, and the procedure of Political Agents when acting as Courts of Session.	No. 5023-I., <sup>3</sup> dated the 24th December, 1891. [Printed, <i>infra</i> , p. 46.]
Ditto . . .	"	Magisterial powers, under the Code of Criminal Procedure, within the limits of the Indore Residency	No. 1769-I., <sup>3</sup> dated the 27th June, 1883. [Printed, <i>infra</i> , p. 47.]

<sup>1</sup> See footnote No. 3 on p. 46 *infra*.<sup>2</sup> The Cantonment Magistrate of Nowgong, and ex-officio Assistant to the Political Agent in Bundelkhand, has been invested by name with the powers conferred on all Political Agents by Notification No. 5023-I., dated the 24th December 1891, see Notification No. 3322-I., dated the 26th August 1892, *Gazette of India*, 1892, Pt. I, p. 654.<sup>3</sup> In regard to the classification of these orders as British-Indian Enactments, see note to the Notifications as printed *infra*, p. 46.

CHAPTER I.—THE NATIVE STATES—*contd.**British-Indian Enactments.*'LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES—*contd.*

Act.	Section.	Subject of Notification.	Notification.
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879.) — <i>contd.</i>	4 & 5	and Jail, respectively, of certain officials, and of the Agent to the Governor General within the limits * * * * of that portion of the Central India Agency which is directly controlled by the Agent to the Governor General without the intervention of any Political Agent, in respect of proceedings against persons other than European British subjects; and the procedure of the First Assistant when acting as a Court of Session.	
Ditto . . .	"	Investiture of the Officer Commanding the Central India Horse at Guna with the powers of a Magistrate of the 2nd class to be exercised within certain specified limits.	No. 366-I.B., dated the 29th January, 1897. [Printed, <i>infra</i> , p. 48.]
Ditto . . .	"	Investiture of the Officer Commanding the Regiment of Central India Horse at Agar with the powers of a Magistrate of the 2nd class to be exercised within certain specified limits.	No. 367-I.B., dated the 29th January, 1897. [Printed, <i>infra</i> , p. 48.]
Ditto . . .	"	Investiture of the Officers Commanding the Regiments of Central India Horse at Agar and Guna, respectively, with the additional powers mentioned in Schedule IV to the Criminal Procedure Code, 1882, with which a Magistrate of the 2nd class may be invested by the Local Government.	No. 1204-I.B., dated the 5th May, 1898, and No. 1206-I.B., dated 5th May, 1898, respectively. [Printed, <i>infra</i> , p. 49.]
Ditto . . .	"	Rules to regulate the expenses of complainants and witnesses attending any Criminal Court established by the Governor General in Council in Central India.	No. 1626-I.B., dated the 16th June, 1899. [Printed, <i>infra</i> , p. 49.]
Ditto . . .	4 & 6	Appointment of a Justice of the Peace.	No. 2313-I., dated the 13th August, 1883. [Printed, <i>infra</i> , p. 51.]
Ditto . . .	6	Appointment of Justices of the Peace for the Agency.	No. 2760-I., dated the 18th September, 1883. [Printed, <i>infra</i> , p. 51.]
<sup>1</sup> Indian Income-tax Act, 1886 (II of 1886).	40	Rules under the Act . . .	Dated the 29th April, 1887. [Printed, <i>infra</i> , p. 51.]
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 & 24 (2)	Appointment of Registrars of Births and Deaths with reference to section 11, sub-section (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-I., dated the 30th September, 1891. [Printed, <i>infra</i> , p. 60.]

<sup>1</sup> In regard to the classification of this order as a British-Indian Enactment, see note to the Notification as printed *infra*, p. 48.<sup>2</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

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CHAPTER I.—THE NATIVE STATES—*contd.*

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BRITISH-INDIAN ENACTMENTS.

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**Local Rules and Orders under Acts in force generally in all Native States in India.**

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**Notifications under the Indian Christian Marriage Act, 1872.<sup>1</sup>**

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*No. 1311, dated the 11th June, 1873.*—In exercise of the powers conferred by the Indian Christian Marriage Act, 1872 (Act XV of 1872), section 8, the Governor General in Council hereby appoints the persons respectively holding the undermentioned offices, for the time being, and being Christians, to be Marriage Registrars in respect of the places specified opposite the designation of each.

And in exercise of the power conferred by section 9 of the same Act, the Governor General in Council hereby grants to the persons respectively holding the undermentioned offices, for the time being, and being Christians, a licence authorizing them to grant certificates of marriage between Native Christians within the aforesaid places :

**Political Agent, Bhopal :**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Bhopal Agency.

**Political Agent, Gwalior :<sup>2</sup>**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Gwalior Agency.

**Political Agent, Bundelkhand :**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Bundelkhand Agency :

**Political Agent, Baghelkhand :**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Baghelkhand Agency.

**Political Agent, Western Malwa :<sup>3</sup>**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Western Malwa Agency.

**Political Assistant, Guna :<sup>2</sup>**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Guna Agency.

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<sup>1</sup> Printed, General Acts, Vol. II, Ed. 1898, p. 373.

<sup>2</sup> The Political Assistantcy at Guna has now merged into the Gwalior Agency, and the Political Agent, Gwalior, is now styled Resident.

<sup>3</sup> Now called the "Malwa Agency."

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Notifications under the Indian Christian Marriage Act, 1872—*contd.*****Bhil Agent and Political Assistant, Sirdarpur :<sup>1</sup>**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Bhil Agency.

**Deputy Bhil Agent and Political Assistant, Manpur :<sup>1</sup>**

All places within the territories of Native Princes or States in alliance with Her Majesty within the limits of the Deputy Bhil Agency.

**First Assistant to the Agent to the Governor General for Central India :**

All places within the territories of Native Princes or States in alliance with Her Majesty under the direct supervision of the Agent to the Governor General for Central India.

[ See *Gazette of India*, 1879, Pt. I, p. 559. ]

*No. 3734-I., dated the 18th September, 1888.*—In exercise of the powers conferred by sections 8 and 9, respectively, of the Indian Christian Marriage Act, (XV of 1872), the Governor General in Council is pleased—

- (a) to appoint the officer holding, for the time being, the office of Political Agent in Bhopawar, and being a Christian, to be a Marriage Registrar in respect of the territory under his political charge ;
- (b) to license the same officer to grant certificates of marriage between Native Christians within the said territory.

[See *Gazette of India*, 1888, Pt. I, p. 429.]

*No. 1312, dated the 11th June, 1873.*—Under section 56 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council hereby appoints the Agent to the Governor General for Central India, for the time being, as the officer to whom Marriage Registrars in Native States within the Central India Agency shall send the certificates mentioned in section 54 of the aforesaid Act.

[See *Gazette of India*, 1873, Pt. I, p. 560.]

*No. 3744-I.B., dated 1st October, 1897.*—In exercise of the power conferred by section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased to delegate to the Agent to the Governor General in Central India the powers and functions given to the Governor General in Council by sections 6, 8 and 9 of the said Act, as regards the Native States of the Central India Agency.

[See *Gazette of India*, 1897, Pt. I, p. 873.]

<sup>1</sup> These Agencies have now been united in the Bhopawar Agency.

CHAPTER I.—THE NATIVE STATES—*contd.*British-Indian Enactments—Local Rules and Orders under Acts—*contd.*<sup>1</sup> Notification under the European Vagrancy Act, 1874.

*No. 3918-I., dated the 23rd September, 1891.*—Under the provisions of section 1 of the European Vagrancy Act (IX of 1874), the Governor General in Council is pleased to declare that the provisions of sections 4 to 9 (both inclusive) and of sections 19, 20, 24 and 29 of the said Act shall come into force from the date of this Notification in the dominions of the Princes and States comprised in the Central India Agency.

[See *Gazette of India*, 1891, Pt. I, p. 552.]

Notifications under the Foreign Jurisdiction and Extradition Act, 1879.<sup>2</sup>

*No. 181-J., dated the 23rd September, 1874.*—In modification of Notification No. 159-J.,<sup>3</sup> dated the 7th August, 1873, the Governor General in Council is pleased to direct that the powers of a High Court within the territories described in the aforesaid Notification shall not be exercised by the Agent to the Governor General in Central India in cases in which the accused are European British subjects being Christians.

[See *Gazette of India*, 1874, Pt. I, p. 486.]

*No. 156-J., dated the 13th August, 1874.*—Under section 5 of Act XI of 1872<sup>4</sup> (the Foreign Jurisdiction and Extradition, 1872,) the President in Council is pleased to invest the Executive Engineer for the time being in charge of the Chambal Bridge, with the powers of a Magistrate of the 3rd class, as defined in section 20, Chapter IV, of the Criminal Procedure Code (Act X of 1872)<sup>5</sup> to be exercised within the limits of the works on the Chambal Bridge and the road from Mhow to Dhar.

[See *Gazette of India*, 1874, Pt. I, p. 427.]

<sup>6</sup> *No. 5023-I., dated the 24th December, 1891.*—In exercise of the powers conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879,) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. Every Political Agent for the time being accredited to a Native State in the Central India Agency shall exercise, within the limits of that State (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such States), the powers of a District Magistrate and Court of Session as described in the Code of Criminal Procedure.<sup>6</sup>
2. The Agent to the Governor General in Central India for the time being shall exercise the powers of a Court of Session and High Court, as de-

<sup>1</sup> Printed, General Acts, Vol. II, Ed. 1898, p. 453.

<sup>2</sup> Printed, General Acts, Vol. III, Ed. 1898, p. 289.

<sup>3</sup> Notification No. 159-J. was repealed by Notification No. 5022-I., dated the 24th December 1891, printed *infra*, p. 97. By clause 4 of Part II of the same Notification, No. 181-J. has also been virtually superseded, and it is for this reason printed in italics.

<sup>4</sup> This Notification is printed in italics as being now obsolete.

<sup>5</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380.

<sup>6</sup> These Notifications do not strictly fall within the terms of the definition of "British-Indian Enactments" in para. 3 of the preface to the first Edition, but it has been found more convenient to classify them for the purpose of this chapter under that head.

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Notifications under the Foreign Jurisdiction and Extradition Act, 1879—*contd.***

scribed in the said Code in respect of all offences over which magisterial jurisdiction is exercised by any such Political Agent within any such State: provided that no such Political Agent shall commit any accused person for trial to the Agent to the Governor General acting as a Court of Session.

3. The Agent to the Governor General in Central India for the time being shall exercise the powers of a High Court as described in the said Code, in respect of all offences over which the jurisdiction of a Court of Session is exercised by any such Political Agent within any such State.
4. In the exercise of the jurisdiction of a Court of Session conferred on him by this Notification, a Political Agent may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure<sup>1</sup> for the trial of warrant cases by Magistrates. X of 1882.
5. This Notification applies to all proceedings except—
  - (a) proceedings against European British subjects or persons jointly charged with European British subjects, and
  - (b) proceedings pending at the date of this Notification.

All proceedings pending at that date shall be carried on as if this Notification had not been issued.

6. Nothing in this Notification shall be deemed to extend to the cantonments of Mhow and Neemuch and the cantonment and civil lines of Nowgong, or to any railway land situate within the Central India Agency.
7. The Notification of the Government of India in the Foreign Department, No. 1728-I., dated the 27th June, 1883, and paragraph 2 of the Notification No. 3728-I.,<sup>2</sup> dated the 3rd November, 1885, are hereby cancelled.

[See *Gazette of India*, 1891, Pt. I, p. 703.]

<sup>1</sup>No. 1769-I., dated the 27th June, 1883.—In exercise of the powers conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879,) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. The First Assistant to the Agent to the Governor General for Central India for the time being shall exercise, within the limits of the Indore Residency and of that portion of the Central India Agency which is directly controlled by the Agent to the Governor General without the intervention of any Political Agent (in all cases in which such powers may lawfully be exercised by the Governor General in Council within these limits), the powers of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure.<sup>1</sup> X of 1882.

2. The Second Assistant to the Agent to the Governor General for Central India for the time being shall exercise, within the limits of the Indore

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 880.

<sup>2</sup> This Notification has since been entirely cancelled by Notification No. 1519-I.B., dated the 2nd April 1897, see *Gazette of India*, 1897, Pt. I, p. 288.

<sup>3</sup> These Notifications do not strictly fall within the terms of the definition of "British Indian Enactments" in para. 3 of the preface to the first Edition, but it has been found more convenient to classify them for the purpose of this chapter under that head.

## CHAPTER I.—THE NATIVE STATES—*contd.*

### British-Indian Enactments —Local Rules and Orders under Acts—*contd.*

#### Notifications under the Foreign Jurisdiction and Extradition Act, 1879—*contd.*

X of 1882.

Residency, the powers of a Magistrate of the first class as described in the Code of Criminal Procedure.<sup>1</sup>

3. The Residency Surgeon and Superintendent of the Central Jail at Indore for the time being shall exercise, within the limits of the Central Jail at Indore, the powers of a Magistrate of the 2nd class as described in the said Code.
4. The Agent to the Governor General in Central India for the time being shall exercise the powers of a Court of Session and High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the First Assistant, the Second Assistant, and the Residency Surgeon within the limits referred to in paragraphs 1, 2 and 3 of this Notification, respectively: provided that neither the First Assistant nor the Second Assistant shall commit any accused person for trial to the Agent to the Governor General acting as a Court of Session.
5. The Agent to the Governor General in Central India shall exercise the powers of a High Court as described in the said Code in respect of all offences over which the jurisdiction of a Court of Session is exercised by the First Assistant within the limits referred to in a paragraph 1 of this Notification.<sup>2</sup> \* \* \*
6. In the exercise of the jurisdiction of a Court of Session within the limits of that portion of the Central India Agency which is directly controlled by the Agent to the Governor General without the intervention of any Political Agent, the First Assistant may take cognizance of any offence as a Court of original criminal jurisdiction, without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure<sup>1</sup> for the trial of warrant-cases by Magistrates.
7. This Notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects.
8. All criminal powers which may, before the date of this Notification, have been exercised by any of the officers referred to in paragraphs 1, 2 and 3 of this Notification within the limits described in those paragraphs, respectively, shall be deemed to have been exercised in accordance with law.

[See *Gazette of India*, 1883, Pt. I, p. 269.]

*No. 366-I.B., dated the 29th January, 1897.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the officer for the time being Commanding the Regiment of Central India Horse at Agar shall exercise, within the territory included in a radius of five miles from the Cantonment of Agar (in all cases in which

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380.

<sup>2</sup> The last clause of this paragraph was cancelled by Notification No. 1687-I., dated the 26th May, 1885, see *Gazette of India*, 1885, Pt. I, p. 312.

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Notifications under the Foreign Jurisdiction and Extradition Act, 1879—*contd.***

such powers may lawfully be exercised by the Governor General in Council within that area), the powers of a Magistrate of the 2nd class, as described in the Code of Criminal Procedure, 1882.<sup>1</sup>

[See *Gazette of India*, 1897, Pt. I, p. 61.]

*No. 367-I.B., dated the 29th January, 1897.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the officer for the time being commanding the Regiment of Central India Horse at Guna shall exercise, within the territory, included in a radius of five miles from the Cantonment of Guna (in all cases in which such powers may lawfully be exercised by the Governor General in Council within that area), the powers of a Magistrate of the 2nd class as defined in the Code of Criminal Procedure, 1882 :<sup>1</sup> provided that nothing herein contained shall be deemed to apply to lands which are, or may hereafter be, occupied by railways.

2. The Notification of the Government of India in the Foreign Department, No. 1770-I., dated the 27th June, 1883, is hereby cancelled.

[See *Gazette of India*, 1897, Pt. I, p. 62.]

*No. 1204-I.B., dated the 5th May, 1898.*—In continuation of the Notification of the Government of India in the Foreign Department, No. 366-I.B., dated the 29th January, 1897, the Governor General in Council is pleased to direct that the officer for the time being Commanding the Regiment of Central India Horse at Agar shall exercise, within the territory specified in the said Notification, the additional powers mentioned in Schedule IV to the Criminal Procedure Code, 1882,<sup>1</sup> with which a Magistrate of the 2nd class may be invested by the Local Government.

[See *Gazette of India*, 1898, Pt. I, p. 431.]

*No. 1205-I.B., dated the 5th May, 1898.*—In continuation of the Notification of the Government of India in the Foreign Department, No. 367-I.B., dated the 29th January, 1897, the Governor General in Council is pleased to direct that the officer for the time being Commanding the Regiment of Central India Horse at Guna shall exercise, within the territory specified in the said Notification, the additional powers mentioned in Schedule IV to the Criminal Procedure Code, 1882,<sup>1</sup> with which a Magistrate of the 2nd class may be invested by the Local Government.

[See *Gazette of India*, 1898, Pt. I, p. 431.]

***Rules to regulate the payment of expenses of complainants and witnesses in Criminal Courts.***

*No. 1626-I.B., dated the 16th June 1899.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XX<sup>1</sup> of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules to regulate the payment of the

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380.

<sup>2</sup> This Notification does not strictly fall within the terms of the definition of "British-Indian Enactments," in para. 3 of the preface to the first Edition, but it has been found more convenient to classify it for the purpose of this chapter under that head.



## CHAPTER I.—THE NATIVE STATES—*contd.*

### British-Indian Enactments—Local Rules and Orders under Acts—*contd.*

#### Notifications under the Foreign Jurisdiction and Extradition Act, 1879—*contd.*

#### *Rules to regulate the payment of expenses of complainants and witnesses in Criminal Courts.*

expenses of complainants and witnesses attending any Criminal Court established by the Governor General in Council in Central India or Rajputana for the purposes of any inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898 (Act V of 1898), as applied.

1. Such Courts are authorised to pay the expenses of complainants and witnesses attending before them—

*Firstly*,—in cases in which the prosecution is instituted, or carried on, by or under the orders of, or with the sanction of the British Government, or of any British Judge, or Magistrate;

*Secondly*,—when the witness concerned is compelled by the Court to attend under the provisions of section 540 of the said Code as applied; and

*Thirdly*,—in any other case in which the officer presiding over the Court considers that in the interests of public justice such payment should be made.

2. Such payment shall be made at the following rates :

(a) to Natives of the ordinary labouring class, 2 annas a day ;

(b) to Natives of a higher class, 4 annas a day ;

(c) to Europeans and Eurasians and Natives of superior rank, such allowance not exceeding Rs 3 a day as the Court may deem suitable, provided that in special cases the Court shall have discretion to fix a higher rate.

3. Travelling expenses may also be paid at the following rates when the person concerned cannot, by reason of age, position or habits of life, be expected to attend the Court on foot, or when the journey cannot be so performed with reasonable ease and expedition :

(a) when the journey is by road, the actual expenses incurred up to a maximum of 4 annas a mile ;

(b) where the journey is wholly or partly by rail—

(1) for Natives generally, railway fare by the lowest class ;

(2) for Europeans, Eurasians and Natives of superior rank, second class railway fare ; but the Court may, at its discretion, award first class fare when the person concerned would ordinarily travel by the first class.

4. Notwithstanding anything in the above rules—

(a) Government servants shall be entitled only to travelling allowance according to the rates admissible under the Civil Service Regulations.

(b) Witnesses following a profession may be granted allowances not exceeding Rs 5 a day at the discretion of the Court ; and when they have to travel a distance exceeding 5 miles, they may also be granted their actual expenses for conveyance (not exceeding 8 annas a mile) or first class railway fare.

5. The number of days to be allowed for the journey to and from the Court shall be determined by the Court in each case.

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Notifications under the Foreign Jurisdiction and Extradition Act, 1879—*concl'd.****Rules to regulate the payment of expenses of complainants and witnesses in Criminal Courts.*

6. A Medical Officer, other than a Civil Surgeon or an officer in medical charge of a civil station, summoned to give evidence touching the result of a *post mortem* or other examination conducted by him, shall be entitled only to the usual expenses paid to a witness.

II.—The following Notifications of the Government of India in the Foreign Department are hereby cancelled :

No. 2592-I., dated the 30th July, 1886.  
 „ 4250-I., „ 10th December, 1886.  
 „ 334-I., „ 24th January, 1896.  
 „ 335-I., „ 24th January, 1896.

[See *Gazette of India*, 1899, Pt. I, p. 472.]

*Appointment of Justices of the Peace.*

No. 2313-I., dated the 13th August, 1883.—In exercise of the powers conferred by sections 4 and 6 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879,) the Governor General in Council is pleased to appoint the officer for the time being holding the office of Second Assistant to the Agent to the Governor General for Central India, being a European British subject, to be a Justice of the Peace within the limits of the territories of the Princes and Chiefs in relation with the Central India Agency.

[See *Gazette of India*, 1883, Pt. I, p. 346.]

No. 2760-I., dated the 18th September, 1883.—In exercise of the powers conferred by section 6 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879,) the Governor General in Council is pleased to appoint the officers holding for the time being the appointments specified below, being European British subjects, to be Justices of the Peace within the territories of Native Chiefs included in the Central India Agency:—

- (1) All Political Agents accredited to Native States within the Central India Agency.
  - (2) The First Assistant to the Governor General's Agent in Central India.
- [See *Gazette of India*, 1883, Pt. I, p. 387.]

**Rules under the Indian Income-tax Act.<sup>1</sup>**

*Notification dated the 29th April, 1887.*—In exercise of the power delegated to him by the Governor General in Council under Act II of 1886, and Notification by the Government of India in the Department of Finance and Commerce, Co. 593,<sup>2</sup> dated 5th February, 1886, the Agent to the Governor General for Central India is pleased to sanction the following rules under the said Act:—

1. The Annual Return of Income to be submitted by Companies under section 11 of the Act shall be in Form E annexed to the Rules, and the notice to be served on them under section 12, sub-section 1, shall be in Form F.

<sup>1</sup> This short title was given to this Act by the Indian Short Titles Act, 1886 (11 of 1886), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

<sup>2</sup> See now Notification No. 2763, dated the 6th June, 1890, in *Gazette of India*, 1890, Pt. I, p. 409.

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Rules under the Indian Income-tax Act—*contd.***

2. The List and Notification referred to in section 16 of the Act shall be prepared in Form G, in English, Urdu and Hindi, and copies thereof shall be posted on the walls of the assessing officer's court. Copies of such list shall also be posted in the principal bazaars or other places of public resort in the cantonment of

3. The special notice to be served on persons assessed under section 17 of the Act shall be in Form H.

4. All persons whose vernacular is English shall be served with a notice under section 17, instead of being included in a list under section 16.

5. Under section 18, sub-section 1, clause (a), the Collector is authorised to cause a notice under section 17 to be served on any person whose name is for the first time included in the list published under section 16.

6. The Cantonment Magistrate exercising the powers of a Collector under the Act is authorised to publish a general notice in Form K, inviting all persons whose incomes are not below Rs. 2,000 to submit returns of their incomes under section 18, clause (b).

The date to be specified in the notice, as that before which the return should be made, shall be a date not less than 30 days from that on which the notice is published. The returns should be treated as confidential communications, and should remain in the special custody of the assessing officers or their responsible subordinates. A public servant committing a breach of this rule will be deemed to have committed an offence under section 166, Indian Penal Code,<sup>1</sup> and may be prosecuted with the previous sanction of the Agent to the Governor General.

7. The notice to be issued under the provisions of sections 42 and 43 to Trustees, Agents, etc.—

(1) to furnish information regarding the names of beneficiaries and principals, and

(2) to submit returns of income,

shall be in Forms N and O, and should be made returnable within thirty days.

8. The amount assessed under Part IV, Schedule II of the Act, may be paid in one sum.

9. The receipt referred to in section 32 of the Act will be in Form P.

10. The powers of the Local Government to declare under section 47 which of several places of business or residence shall be considered to be the principal place of business or residence for the purposes of the Act, are hereby delegated to the First Assistant Agent to the Governor General for Central India.

11. The following is prescribed regarding composition for the tax under section 31 of the Act :—

(a) Any person desirous of compounding shall apply to the Collector for composition before his assessment has been fixed by the Collector.

(b) The period of composition shall not exceed three years.

(c) The composition allowed by the Collector shall be subject to the sanction of the First Assistant Agent to the Governor General for Central India exercising powers of a Commissioner of Division.

(d) The contract of composition shall cease to have force on the death or insolvency of the person entering into the contract, except as regards payment on account of composition already due.

(e) Fraud on the part of the person entering into the contract in stating his income or otherwise shall render the contract void.

<sup>1</sup> Printed, General Acts, Vol. I, Ed. 1898, p. 240.

CHAPTER I.—THE NATIVE STATES—*contd.*British-Indian Enactments—Local Rules and Orders under Acts—*contd.*Rules under the Indian Income-tax Act—*contd.*

12. The Collector shall submit to the First Assistant Agent to the Governor General for Central India, at the end of each year of assessment, a full report on the working of the Act, accompanied by the necessary returns, together with a statement showing the number of prosecutions under the Act in Form R.

## FORM E.

*Annual Return of net profits to be delivered by the Principal Officer of a Company under Section 11.*

1	2	3	4	5
Name of Company.	Place of business.	Source of income.	Amount of income derived from each of these sources, mentioning the period during which the income from each source has been derived.	REMARKS.

## SUBSCRIPTION.

I do declare that the income stated in this return is truly estimated on all the sources of income therein mentioned, that it has actually accrued within the period stated, and that the Company has no other sources of income.

## INSTRUCTIONS.

1. If the Company making the return has several places of business, they should all be mentioned in column 2, the principal place of business being specified.

2. In column 3 should be entered in detail every separate source of income accruing and arising in British India.

3. In column 4 should be entered the income accruing and arising during the year ending on the day on which the Company's accounts have been last made up, or if the Company's accounts have not been made up within the year ending 31st January, 1887, then during the year ending on the 31st January, 1888.

4. Against gross receipts no deductions should be made on account of disbursements or expenses not wholly or exclusively incurred in respect of the profits returned, nor on account of any public or local rates or taxes.

5. Deductions from the gross receipts may be allowed on account of the following items:—

(a) In the case of trades or professions:—

(1) Sums expended in the repairs of implements, utensils or articles used solely for the purpose of the profession or trade.

CHAPTER I.—THE NATIVE STATES—*cont'd.*British-Indian Enactments—Local Rules and Orders under Acts—*cont'd.*Rules under the Indian Income-tax Act—*cont'd.*

- (2) Sums expended for insuring or keeping insured the buildings, machinery, implements and stock used for the purposes of the profession or trade, and the rent paid for any premises used for such profession or trade: provided that if such premises shall not have been exclusively used for such profession or trade, a fair proportion only of such rent shall be deducted from the gross receipts.
- (3) Ten per cent. on the rack rent of such premises on account of repairs, if such repairs are at the cost of the Company, whether it has or has not been actually expended during the year of assessment.
- (4) Sums expended in the payment of persons employed solely in such profession or trade.
- (5) The amount of any losses of the stock in trade. The excess loss sustained in any or more professions or trades over and above the profits thereof may be set against the excess profits of any other profession or trade exercised by the same Company.
- (6) The amount of any bad debts for the first time ascertained and written off as such during the year.
- (7) Interest paid on money borrowed for the purpose of the trade or profession.
- (b) In the case of incomes from houses:—
  - (1) Any rent paid on account of such houses, but not taxes or local rates.
  - (2) Sums expended for insuring and keeping insured such houses.
  - (3) Ten per cent. on the rack rent of the houses on account of repairs, if such repairs are at the cost of the Company.
  - (4) Annual interest payable to a mortgagee not in possession.
- (c) In the case of buildings owned and occupied by the Company one-sixth of the gross annual rent at which they may be reasonably expected to let, and in the case of dwelling-houses, may be expected to let unfurnished: provided that where five-sixths of the gross rental of such buildings exceeds 10 per cent. of the income of the Company from all sources, a further deduction shall be made equal in amount to the excess.

## FORM F.

## NOTICE UNDER SECTION 12, SUB-SECTION (1) OF THE ACT.

No.

*Dated**To*

With a view to test the correctness of the return furnished by you under section 11 of Act II of 1886 for the year ending, , you are required hereby to produce, or cause to be produced, for the inspection of the undersigned at , on or before the following documents.

(Here specify the documents.)

If you fail to comply with this notice, you will be dealt with according to law—Section 34 of the Act.

*Collector.*

## FORM G.

## NOTICE UNDER SECTION 16.

Under the provisions of section 16 of Act II of 1886, it is hereby notified that the persons whose names are entered in the subjoined list, and whose incomes are estimated not to exceed



**British-Indian Enactments—Local Rules and Orders under Acts—*contd.***

**FORM K.**

All persons resident or carrying on business in \_\_\_\_\_ whose incomes are not below Rs. 2,000 per annum, are hereby required to prepare under their signature true returns of their incomes in the form subjoined and in accordance with the instructions attached thereto, and deliver them at the office of \_\_\_\_\_ on or before \_\_\_\_\_.

1	2	3	4	5
Name of person.	Place of business.	Sources of income, specifying separately those chargeable under Parts I, II, III, and IV of Schedule II of the Act, etc., the number of shares in such income and the names of sharers.	Amount of income derived from each of these sources, mentioning the period during which the income from each source has been derived.	REMARKS.

**Signature.**

CHAPTER I.—THE NATIVE STATES—*contd.*British-Indian Enactments—Local Rules and Orders under Acts—*contd.*Rules under the Indian Income-tax Act—*contd.*

## FORM N.

## NOTICE UNDER SECTION 42 OF ACT II OF 1886.

No.

Date

To

You are hereby required to deliver or cause to be delivered to the undersigned, on or before the day of next a statement in the annexed form of the name or names of the person or persons, if any, for which you are Trustee, Guardian, Curator, Committee or Agent.

Failure to deliver this return, or the delivery of a false return, will render you liable to the penalty provided in sections 176 and 177 of the Indian Penal Code.<sup>1</sup>

XLV of 1880.

1	2	3	4
Name of Trustee, Guardian, Curator, Committee or Agent.	Whether Trustee, Guardian or Agent.	Name of Persons, if any, for whom he is Trustee.	REMARKS.

## FORM O.

## NOTICE UNDER SECTION 43 OF ACT II OF 1886.

No.

Date

To

You are hereby required to duly fill in, in accordance with the instructions on the reverse, and sign and deliver at before, a return of income officially in your possession or control as Trustee, Guardian, Curator, Committee or Agent, or as the Court of Wards, Administrator General, or Official Trustee on behalf of

1	2	3	4	5
Name of person.	Place of business.	Sources of income, specifying separately those chargeable under Parts I, II, III and IV of Schedule II of the Act, etc., the number of sharers in such income, and the names of sharers.	Amount of income derived from each of these sources, mentioning period during which the income from each source has been derived.	REMARKS.

I do declare that the income shown in this return is truly estimated in all the sources therein mentioned, that it has actually accrued within the period therein stated, and that I have no other source of income.

Signature.

<sup>1</sup> Printed, General Acts, Vol. I, Ed. 1898, p. 240.



**British-Indian Enactments—Local Rules and Orders under Acts—contd.**

**FORM P.**

FORM OF RECEIPT UNDER SECTION 32 OF ACT II OF 1886.

No.	Date
Received from being the amount of duty assessed on according to the particulars specified below.	the sum of R under Act II of 1886,

1	2	3	4	5	6
Source or sources of estimated income.	Place or places, district or districts, where the income arises.	Amount of income assessed.	Year or portion of the year for which duty is payable.	Amount of duty payable including penalty if any.	Date of payment.

**FORM P.**

FORM OF RECEIPT UNDER SECTION 32 OF ACT II OF 1886.

No.	Date	Received from being the amount of duty assessed on according to the particulars specified below.	the sum of R under Act II of 1886,

1	2	3	4	5	6
Source or sources of estimated income.	Place or places, district or districts, where the income arises.	Amount of income assessed.	Year or portion of the year for which duty is payable.	Amount of duty payable including penalty, if any.	Date of payment.

CHAPTER I.—THE NATIVE STATES—*contd.*

## British-Indian Enactments—Local Rules and Orders under Acts—

Rules under the Indian Income-tax Act—*contd.*

## FORM R.

Statement showing the number of Prosecutions under Act II of 1886.

1	2	3	4	5	6	7	8	9
Nature of the offence and the section under which punishable.	Number of case.	Number of persons prosecuted.	Number of persons acquitted.	Number of persons convicted.	Amount of fines imposed.	Amount of fines recovered.	Amount of fines remitted by Commissioner under section 34 sub-section 2.	

*N.B.*—The above particulars should be given for the offence mentioned in Section 35, as well as the offences mentioned in section 34. In the case of offences under Section 35, a foot-note should be added showing the number of convicted persons who were sentenced to undergo imprisonment for periods—

Not exceeding one month.

More than one month but less than six months.

Above six months.

## FORM S.

## RETURN UNDER SECTION 41, ACT II OF 1886.

To

You are hereby required to deliver or cause to be delivered to

at

on or before the

day of

next, a list in the form printed below, containing, to the best of your

knowledge and belief—

- (a) The names of all lodgers and inmates resident in every house let by you as a dwelling-house or let by you in lodgings, and of all other persons receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem or upwards, employed in your service, whether resident in any such house as aforesaid or not;
- (b) The place of residence of such of them as are not resident in such dwelling-house or lodgings; and
- (c) The name of any lodger or inmate in any such house who has a place of residence elsewhere at which he is liable under Act II of 1886 to be assessed, and who desires to be assessed at that place.

(Signed)

Collector.

## FORM OF LIST OF LODGERS, INMATES AND EMPLOYEES UNDER SECTION 41, ACT II OF 1886.

Name of person making the return

Residence

1	2	3	4	5
Name.	Whether lodger, inmate or employee.	Residence if different from the above.	Place at which he desires to be assessed.	

Date

Signature.

CHAPTER I.—THE NATIVE STATES—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Appointment of Registrars of Births and Deaths and a Registrar General.**

*No. 3998-I., dated the 30th September, 1891.*—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act (VI of 1886),<sup>1</sup> the Governor General in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule, to be Registrars of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act for the local areas mentioned opposite their designations in the second column of the schedule respectively :—

*Schedule.*

Offices.	Local areas.
The Resident at Gwalior . . .	Gwalior Agency, including the lands occupied by the Indian Midland Railway within the limits of the Agency, but excluding the Guna Political Assistancy <sup>2</sup> and the Sipri Cantonment. <sup>3</sup>
The Political Agent in Bhopal . . .	Bhopal Agency, including the lands occupied by the Indian Midland Railway within the limits of the Agency.
The Political Agent in Bundelkhand . . .	Bundelkhand Agency, including the lands occupied by the Indian Midland Railway within the limits of the Agency, but excluding the Nowgong Cantonment.
The Political Agent in Baghelkhand . . .	Baghelkhand Agency, including the lands occupied by the Bengal-Nagpur Railway within the limits of the Agency, the Umaria Coal-fields, and the Satna Cantonment.
The Political Agent in Bhopawar . . .	Bhopawar Agency.
The Political Agent in Western Malwa . . .	Western Malwa Agency, including the lands occupied by the Rajputana-Malwa Railway within the limits of the Agency, but excluding the Neemuch Cantonment.
The Political Assistant at Guna . . .	Guna Political Assistancy. <sup>2</sup>
The Cantonment Magistrate, Mhow . . .	Mhow Cantonment.
The Cantonment Magistrate, Neemuch . . .	Neemuch Cantonment.
The Cantonment Magistrate, Nowgong . . .	Nowgong Cantonment.
The Cantonment Magistrate, Sipri . . .	Sipri Cantonment. <sup>3</sup>
The First Assistant to the Agent to the Governor General in Central India.	Indore Residency and the local area administered by the Agent to the Governor General in Central India without the intervention of any Political Agent, including the lands occupied by the Rajputana-Malwa Railway within the aforesaid area, but excluding the Mhow Cantonment.

II.—For the purposes of section 24, sub-section (2), of the said Act, the Governor General in Council is further pleased to appoint the Registrar General of Births, Deaths and Marriages for the Central Provinces for the time being to be the Registrar General for the local areas mentioned in the schedule above.

[ See *Gazette of India*, 1891, Pt. I, p. 564 ].

<sup>1</sup> Printed, General Acts, Volume V, Ed. 1896, p. 63.

<sup>2</sup> The Political Assistancy at Guna has now merged into the Gwalior Agency.

<sup>3</sup> Sipri was abandoned as a British cantonment in 1896, and the site given back to the Gwalior Durbar.

CHAPTER I.—THE NATIVE STATES—*contd.*

## SUPPLEMENTARY NOTES.

**I.—The States of Gwalior, Indore, Bhopal, Dhar, Dewas and Jaora.**—These are the six principal States of Central India. Their Rulers [except the Chiefs of Dhar, Dewas and Jaora, who must obtain the confirmation of the British Government to capital sentences (*see* Aitchison's Treaties, Vol. IV, page 424)] have full jurisdiction within the limits of their respective territories.

**II.—The Mediatized Chiefs.**—For a description of the status of the mediatized or guaranteed Chiefs of Central India *see* Aitchison's Treaties, Vol. IV, pages 2—7. None of these Chiefs have power of life and death. They must submit all trials for heinous crimes and all sentences of death or transportation or imprisonment for life to the local officers of the British Government.

The mediatized Chiefs of Dhangaon, Punghat, Sillani, Changarh and Jamti are under the jurisdiction of the Chief Commissioner of the Central Provinces (*see* Aitchison's Treaties, *ib.*, pages 222, 217 and 458).

**III.—Gwalior Fortress, Morar and Jhansi.**—Prior to 1886 the Fortress of Gwalior, which had been captured in 1858, was occupied by British troops, whilst the city and fort of Jhansi, and the Cantonment of Morar, were Gwalior and British territory respectively. (*See* Aitchison's Treaties, Vol. IV, pages, 22—24; and Nos. XII and XIII.)

In that year, however, the Gwalior fort was restored to the Maharaja, and the city and fort of Jhansi, with certain adjacent land, were ceded by him to the British Government in exchange for the Cantonment of Morar, and certain other land which were ceded to the Maharaja by the British Government.

The town and fort of Jhansi have been included in the Lieutenant-Governorship of the North-Western Provinces (*see* Proclamation No. 1964-I., dated the 10th June, 1886, *Gazette of India*, 1886, Part I, page 376,) and annexed to the Jhansi District (*see* Act XVII of 1886).

**IV.—Boundary disputes.**—Certain rules for the settlement of such disputes between the States of Central India were laid down by the Government in 1862, and modified in 1891. (*See* Aitchison's Treaties, Vol. IV, page 2.)

**V.—Bundelkhand States.**—There are 22 States in Bundelkhand of more or less importance. The only States which have formal treaties with the British Government are Orchha or Tehri, Datia and Samthar. The Chiefs of the other States hold their territories under Sanads, and are bound by Ikrarnamahs or deeds of fealty or obedience. (*See* Aitchison's Treaties, Vol. V, page 5.)

These latter States were declared by Ben. Reg. XXII of 1812, which is still in force, to be exempt from the operation of the general regulations of the British Government and from the jurisdiction of the British Civil and Criminal Courts. They are, however, treated as subject States liable to such control, not inconsistent with their engagements, as the British Government may see fit to exercise, with such rights and powers as have been expressly conferred. Those Chiefs on whom special powers have not been conferred are obliged to refer all heinous cases involving sentences of death or transportation or imprisonment for life to the local officers of the British Government. (*See ib.*, pages 15 and 16.)

**VI.—Baghelkhand States.**—Comprise the States of Rewah, Nagod, Maihar, Sohawal and Kothi, &c., of which Rewah is the only one held under Treaty. The others are held under Sanads. (*See ib.*, page 249.)

CHAPTER I.—THE NATIVE STATES—*concl'd.*SUPPLEMENTARY NOTES—*concl'd.*

**VII.—Railway Lands and Coal-fields.**—Jurisdiction over the lands occupied by the Bengal-Nagpur Railway in the Rewah State ; over those occupied by the Bhopal-Ujjain Railway in the States of Gwalior, Indore, Bhopal and Dewas (Senior and Junior Branches); over those occupied by the Bina-Guna Railway in the Gwalior State ; over those occupied by the Godhra-Rutlam-Nagda Railway in the States of Indore, Jhabua, Rutlam and Sailana ; over those occupied by the Indian Midland Railway in the States of Datia, Gwalior, Bhopal, Khania-dhana, Kurwai, Orohha, Panna, Samthar, Alipura, Garrauli, Pahra and Taraon ; over those occupied by the Nagda-Ujjain Railway in the Gwalior State ; over those occupied by the Rajputana-Malwa Railway in the States of Indore, Gwalior, Dhar, Rutlam, Sailana and Jaora ; and over those occupied by the Umaria coal-fields in the Rewah State, has been acquired by the British Government. (*See* Chapter V, *infra*, pages 273 to 334, and Chapter II, *infra*, pages 63 to 68, respectively.)

**VIII.—Processes.**—The reciprocal service of processes between the Gwalior State and British India has been arranged with the Darbar, *see* letter from the Agent to the Governor General in Central India to Foreign Department, No. 8418-G., dated the 6th November, 1893.

**IX.—Summonses of Civil and Revenue Courts.**—Summonses of Civil and Revenue Courts of certain Central India States may be sent to Courts in British India and served as if issued by such Courts, *see* Notification No. 928-I., dated the 12th March, 1896, *Gazette of India*, 1896, Pt. I, page 181, and *infra*, page 344.

CHAPTER II.—UMARIA COAL-FIELDS.

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## CHAPTER II.

## THE UMARIA COAL-FIELDS.

(REWAH STATE.)

The British Enactments in force locally in the Umaria Coal-fields consist of—

*A.—British-Indian Enactment, namely,—*

Local Order under an Act in force generally in all Native States.

*B.—British-Umaria Coal-fields Enactments, namely,—*

1.—Local Laws<sup>1</sup> made by the Governor General in Council—

(a) Acts of the Governor General in Council locally applied ;

(b) Special Local Laws.

2.—Local Order under an Act of the Governor General in Council locally applied.

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<sup>1</sup> It is to be noted that all the laws in force in the Jubbulpur District of the Central Provinces have also been applied *en bloc* to the Umaria Coal-fields, *see* p. 68, *infra*. For such of these laws as are Acts of the Governor General in Council, *see* the Central Provinces Code and Vols. I—VI of the General Acts, Ed. 1898.

## CHAPTER II.—UMARIA COAL-FIELDS.

*A.—British-Indian Enactment.*

## LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths, and Marriages Registration Act, 1886 (VI of 1886).	13 & 24 (2)	Appointment of the Political Agent in Baghelkhand to be Registrar of Births and Deaths for the Baghelkhand Agency, including the Umaria Coal-fields, with reference to section 11 (1), clause (b), and the Registrar General of Births, Deaths and Marriages, Central Provinces, to be the Registrar General.	No. 3998-I., dated the 30th September, 1891. [Printed, <i>supra</i> , p. 60.]

CHAPTER II.—UMARIA COAL-FIELDS—*contd.**B.—British-Umaria Coal-fields Enactments.*

## I.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Extent of application.	Notification.
Revenue Recovery Act, 1890 (I of 1890).	The whole Act	No. 1415-I., dated the 30th April, 1890. [Printed, <i>infra</i> , p. 347.]
Epidemic Diseases Act, 1897 (III of 1897).	Ditto.	No. 443-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]



CHAPTER II.—UMARIA COAL-FIELDS—*contd.**B.—British-Umaria Coal-fields Enactments.*

## 1.-(b) SPECIAL LOCAL LAWS.

When made.	Subject.	Notification.	Reference.
1885 .	Declaring laws in force, and providing for Executive, Judicial and Police administration.	No. 3684-I., dated the 30th October, 1885.	Printed, <i>infra</i> , p. 68.
1890 .	Recovery of revenue arrears accruing in British India.	No. 1415-I., dated the 30th April, 1890.	Printed, <i>infra</i> , p. 347.
1891 .	Printing and publication of newspapers and other printed works.	No. 2651-I., dated the 25th June, 1891.	Printed, <i>infra</i> , p. 348.
1893 .	Empowering British Courts beyond British India to send their warrants for the execution of capital sentences to jails in British India.	No. 1431-I., dated the 27th April, 1893.	Printed, <i>infra</i> , p. 345.

CHAPTER II.—UMARIA COAL-FIELDS—*contd.**B.—British-Umaria Coal-fields Enactments.*

## 2.—LOCAL ORDER UNDER AN ACT OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Section.	Subject of Notification.	Notification.
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegating to the Local Govern- ment the powers conferred by section 2 (2), (b).	No. 444-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]

## CHAPTER II.—UMARIA COAL-FIELDS—*contd.*

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### A.—BRITISH-INDIAN ENACTMENT.

#### Local Order under an Act in force generally in all Native States.

Order under the Births, Deaths and Marriages Registration Act.  
*No. 3998-I., dated the 30th September, 1891.—printed, supra, p. 60.*

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### B.—BRITISH-UMARIA COAL-FIELDS ENACTMENTS.

#### 1.-(a) Acts of the Governor General in Council locally applied.

Revenue Recovery Act, 1880 (I of 1880).  
*No. 1415-I., dated the 30th April, 1890 —printed, infra, p. 317.*

Epidemic Diseases Act, 1897 (III of 1897).  
*No. 443-I.A, dated the 4th February, 1897. —printed, infra, p. 349.*

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#### 1.-(b) Special Local Laws.

Notification declaring laws in force, and providing for Executive, Judicial and Police Administration.

*No. 3684-I., dated the 30th October, 1885.*—Whereas the Rewah State has ceded to the British Government full jurisdiction in the lands lying within that State which are known as the Umaria Coal-fields. In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of justice within the aforesaid lands :— XXI of 1879.

- (1) All laws for the time being in force in the Jubbulpore district of the Central Provinces shall be in force in the aforesaid lands.
- (2) The Deputy Commissioner and the Commissioner of Jubbulpore, the Inspector-General of Police in the Central Provinces, and the Chief Commissioner of the Central Provinces for the time being, shall have within the aforesaid lands the same executive powers as they respectively have within the British territories subject to their administration.

CHAPTER II.—UMARIA COAL-FIELDS—*concl'd.***B.—British-Umaria Coal-fields Enactments—1.-(b) Special Local Laws—*cont'd.***

Notification declaring laws in force, and providing for Executive, Judicial and Police Administration—*cont'd.*

(3) British Courts having jurisdiction within the Jubbulpore district shall have within the aforesaid lands the jurisdiction which they respectively have within that district.

(4) Within the aforesaid lands the administration of the Police shall be vested in the District Superintendent of Jubbulpore, who shall have within the said lands, in subordination to the Deputy Commissioner of Jubbulpore and the Inspector-General of Police in the Central Provinces, the same police powers as he has within the Jubbulpore district under the law for the time being in force in that district.

2. Foreign Department Notification No. 3109-I., dated the 10th September, 1885, is hereby cancelled.

[See *Gazette of India*, 1885, Pt. I, p. 619.]

Printing and Publication of newspapers, and other printed works.

No. 2651-I., dated the 25th June, 1891.—printed, *infra*, p. 348.

Execution of warrants of Capital Sentences of British Courts beyond British India.

No. 1431-I., dated the 27th April, 1892.—printed, *infra*, p. 345.

**2.-Local Order under an Act of the Governor General in Council.**

Order under the Epidemic Diseases Act, 1897 (III of 1897).

No. 444-I.A., dated the 4th February, 1897.—printed, *infra*, p. 349.

## CHAPTER III.—(1)—ALL CANTONMENTS.

## CHAPTER III.

## CANTONMENTS.

**NOTES.**—"A foreign army or fleet marching through, sailing over, or stationed in, the territory of another State with whom the foreign sovereign to whom they belong is in amity, are also, in like manner, exempt from the Civil and Criminal jurisdiction of the place."—Wheaton's International Law, 3rd English edition, section-95, clause 3. "A third case in which a sovereign is understood to cede a portion of his territorial jurisdiction is where he allows the troops of a foreign prince to pass through his dominions."—*Ibid*, section 99. "If a foreign army be permitted to pass through or be stationed in, the territories of another State, the persons composing that army, or being within its lines, are entitled to ex-territorial privileges."—Phillimore International Law, 3rd edition, Volume I, section 341. See also *ib.*, section 203, and Volume II, section 33, *cf.* also Hall's International Law, 2nd edition, section 56; Davis's International Law, chapter II, section 15 (2), and Halleck's International Law, edition 1878, Volume I, chapter VII, section 25, page 218. When a State allows another sovereign to exercise "jurisdiction" within its territory, the decree of a Court exercising such jurisdiction is binding upon every suitor submitting himself thereto with the consent of his sovereign. [The *Laconia*, 2 Moore, P. C. N. S. 183 and 33 L. J. N. S. Prob. Matrim. and Adm. 11.]

(1)—ALL CANTONMENTS.<sup>1</sup>

The British Enactments in force locally in all the Cantonments in the Central India Agency consist of—

*British-Central India Agency Cantonments Enactments, namely,—*

## 1.—Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied;
- (b) Special Local Laws.

## 2.—Local Order under an Act of the Governor General in Council locally applied.

<sup>1</sup> In this part of this chapter have also been included, for the sake of convenience, two miscellaneous areas, *viz.*, the Gwalior Residency and that portion of the Agra-Bombay Road which lies within the Native States of the Bhopawar Agency. The reason for this is that they have been included in the General Cantonment Police District, (*see* p. 76), and this, together with the application of the Police Act, is, so far as is known, the only jurisdictional arrangement that has been entered into with respect to them.

## CHAPTER III.—(1)—ALL CANTONMENTS.

*British-Central India Agency Cantonments Enactments.*

## 1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Extent of application.	Reference.
Indian Lunatic Asylums Act, 1858 (XXXVI of 1858).	The whole Act, so far as it may be suitable; and <i>see</i> the Notification.	No. 5019-I., dated the 23rd December, 1891. [Printed, <i>infra</i> , p. 74.]
Police Act, 1861 (V of 1861).	<i>See</i> the Act as printed in the Notification, <i>infra</i> , p. 66.	No. 841 (b)-I.B., dated the 1st April, 1899. [Printed, <i>infra</i> , p. 74.]
Indian Stamp Act, 1879 (I of 1879). <sup>1</sup>	The whole Act, so far as it may be suitable.	No. 1366-I., dated 25th April, 1890. [Printed, <i>infra</i> , p. 82.]
Lunatic Asylums Amendment Act, 1886 (XVIII of 1886).	The whole Act, so far as it may be suitable; and <i>see</i> the Notification.	No. 5019-I., dated the 23rd December, 1891. [Printed, <i>infra</i> , p. 74.]
Lunatic Asylums Amendment Act, 1889 (XX of 1889).	Ditto . . . . .	Ditto.
Revenue Recovery Act, 1890 (I of 1890) . . . . .	The whole Act . . . . .	No. 1415-I., dated the 30th April, 1890. [Printed, <i>infra</i> , p. 347.]
Epidemic Diseases Act, 1897 (III of 1897) . . . . .	Ditto . . . . .	No. 443-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]
Code of Criminal Procedure, 1898 (Act V of 1898) . . . . .	The whole Act so far as it is applicable.	No. 2691-I.A., dated the 7th October, 1898, and No. 841 (a)-I.B., dated the 1st April, 1899. [Printed, <i>infra</i> , p. 83.]

<sup>1</sup> Repealed in British India by Act II of 1899.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.**British-Central India Agency Cantonments Enactments.*

## 1.-(b) SPECIAL LOCAL LAWS.

When made.	Subject of Notification.	Notification.	Reference.
1890	Recovery of Revenue arrears accruing in British India.	No. 1415-I., dated the 30th April, 1890.	Printed, <i>infra</i> , p. 347.
1891	Printing and publication of newspapers and other printed works.	No. 2651-I., dated the 25th June, 1891.	Printed, <i>infra</i> , p. 348.
1893	Empowering British Courts beyond British India to send their warrants for the execution of capital sentences to jails in British India.	No. 1431-I., dated the 27th April, 1893.	Printed, <i>infra</i> , p. 345.
1899	Rules to regulate the expenses of complainants and witnesses attending any Criminal Court established by the Governor General in Council in Central India.	No. 1626-I.B. dated the 16th June 1899.	Printed, <i>supra</i> , p. 49.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.**British-Central India Agency Cantonments Enactments.*

## 2.—LOCAL ORDER UNDER AN ACT OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Section.	Subject of Notification.	Notification.
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegating to the Local Government certain powers and functions conferred by section 2 (2), (b).	No. 444-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]



CHAPTER III.—(1)—ALL CANTONMENTS—*contd.*

## BRITISH-CENTRAL INDIA AGENCY CANTONMENTS ENACTMENTS.

## 1.-(a) Notifications applying Acts of the Governor General in Council.

The Indian Lunatic Asylums Act, 1858 (~~XXXVI~~ of 1858), as amended by Acts XVIII of 1886 and XX of 1889.

*No. 5019-I., dated the 23rd December, 1891.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act XXXVI of 1858 (an Act relating to Lunatic Asylums), as amended by Act XVIII of 1886 and Act XX of 1889, to the British Cantonments and Residency lands within the Central India Agency, subject to the modification that for section 17A of the said Act XXXVI of 1858, the following shall be substituted, namely:—

- “(1) The Governor General in Council may from time to time appoint an asylum in British India to be the asylum to which any Magistrate or Judge exercising jurisdiction within the limits of any British Cantonment or Residency lands in the Central India Agency may send lunatics or any class of lunatics as to an asylum established under this Act for those limits.”
- (2) For the purposes of these provisions the Agent to the Governor General in Central India shall be deemed to be the Executive Government.
- (3) For the purpose of facilitating the application of these provisions in these Cantonments and lands, any Court therein may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

[ See *Gazette of India*, 1891, Pt. I, p. 700.]

The Police Act, 1861 (V of 1861).

*No. 841 (b) -I.B., dated the 1st April, 1899.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Indore and Gwalior Residencies, the Cantonment and Civil Lines of Nowgong, the Cantonments of Mhow, Neemuch, Sehore, Sirdarpur, Satna and Agar, and that portion of the Agra and Bombay Road between Manpur and Bijasini Chowki which passes through the Bhopawar Agency, the following portions of the Police Act, 1861 (V of 1861); in the modified form set forth in the first schedule annexed hereto.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.****The First Schedule.**The Police Act, 1861, as modified and applied.*

2. The Notifications of the Government of India in the Foreign Department specified in the second schedule annexed hereto, are hereby superseded to the extent set forth in the third column thereof.

## THE FIRST SCHEDULE.

*The Police Act, 1861, as modified and applied.*

Whereas it is expedient to re-organize the police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows:

1. The following words and expressions in this Act shall have the meaning assigned to them unless there be something in the subject or context repugnant to such construction, that is to say:

Interpretation-clause.

The words "general police-district" shall embrace the local areas comprising the Indore and Gwalior Residencies, the Cantonment and Civil Lines of Nowgong, the Cantonments of Mhow, Neemuch, Sehore, Sirdarpur, Satna and Agar, and that portion of the Agra and Bombay Road between Manpur and Bijasini Chowki which passes through the Bhopawar Agency:

The words "Magistrate of the district" shall mean, as regards the Cantonments of Mhow, Neemuch and Nowgong, the Cantonment Magistrates, and, as regards the Indore and Gwalior Residencies, the Civil Lines of Nowgong, the Cantonments of Sehore, Sirdarpur, Satna and Agar, and the Agra and Bombay Road, the officer or respective officers exercising within the said local areas respectively the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898:

The word "Magistrate" shall include all persons within the general police-district exercising all or any of the powers of a Magistrate:

The word "police" shall include all persons appointed under this Act:

The words "District Superintendent" and "District Superintendent of Police" shall include any Assistant District Superintendent or other person appointed by the general or special order of the Agent to the Governor General in Central India to perform all or any of the duties of a District Superintendent of Police under this Act:

The word "property" shall include any moveable property, money or valuable security:

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender shall include females:

The word "person" shall include a company or corporation:

The word "month" shall mean a calendar month:

The provisions of this Act relating to cattle shall apply also to elephants, camels, horses, asses, mules, sheep, goats and swine.

3. The superintendence of the police throughout the general police-district shall vest in, and, subject to the general control of the Governor General in Council, be exercised by the Agent to the Governor General in Central India, and, except as authorized under the provisions of this Act, no person, officer or Court shall be empowered by the Agent to the Governor General to appoint, supersede or control any police functionary.

4. The administration of the police throughout the general police-district shall be vested in the person for the time being holding the office of Assistant to the Inspector General of Police etc. Agent to the Governor General in Central India, to be styled the

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.*****The First Schedule—*contd.*****The Police Act, 1861, as modified and applied—*contd.***

Inspector General of Police, and, under the general control and direction of the Magistrate of the district, in a District Superintendent or Assistant District Superintendent of Police.

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7. The appointment of all police-officers other than those mentioned in section 4 of this Act shall, under such rules as the Agent to the Governor General in Central India shall from time to time sanction, rest with the Inspector General and the District Superintendent or Assistant District Superintendent of Police—

Appointment, dismissal and punishment of inferior officers.

who may, under such rules as aforesaid, at any time dismiss, suspend or reduce any police-officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same,

or may award any one or more of the following punishments to any police-officer who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely :—

- (a) fine to any amount not exceeding one month's pay ;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue or other duty ;
- (c) deprivation of good-conduct pay ;
- (d) removal from any office of distinction or special emolument.

8. Every police-officer so appointed shall receive on his appointment a certificate in the form annexed to this Act, under the signature of the Inspector General or such other officer as the Inspector General may appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer.

Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not, by reason of being suspended from office, cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been suspended.

9. No police-officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or Assistant District Superintendent or, without the leave of the District Superintendent or Assistant District Superintendent, to resign his office, unless he shall have given to his superior officer notice, in writing, for a period of not less than two months of his intention to resign.

10. No police-officer shall engage in any employment or office whatever other than his duties under this Act, unless permitted to do so by the Inspector General.

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12. The Inspector-General of Police may, from time to time, subject to the approval of the Agent to the Governor General in Central India, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them ; their inspection and punishment of inferior officers.

Power of Inspector-General to make rules.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.****The First Schedule—contd.**The Police Act, 1861, as modified and applied—contd.*

tion, the description of arms, accoutrements and other necessities to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the police force as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

13. It shall be lawful for the Inspector General of Police or for the District Superintendent or Assistant District Superintendent, subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police-officers to keep the peace at any place within the general police-district and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent or Assistant District Superintendent, and shall be at the charge of the person making the application :

Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General or to the District Superintendent or Assistant District Superintendent, to require that the police-officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

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16. (1) All moneys payable under section 13 shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1898,<sup>1</sup> for the recovery of fines, or by suit in any competent Court.

(2) All moneys paid or recovered under section 13 shall be credited to a fund to be called "The General Police Fund," and shall be applied to the maintenance of the police force under such orders as the Agent to the Governor General in Central India shall pass.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in any part of the general police-district, it shall be lawful for any police-officer, not below the rank of Inspector, to apply to the nearest Magistrate to appoint so many of the residents therein as such police-officer may require to act as special police-officers for such time and within such limits as he shall deem necessary; and the Magistrate, to whom such application is made, shall, unless he sees cause to the contrary, comply with the application.

18. Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

19. If any person being appointed a special police-officer as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal or disobedience.

\* \* \* \* \*

22. Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the general police-district, as the Inspector General of Police may direct.

<sup>1</sup> Applied to these Cantonments by Notification No. 2691-I.A., dated the 7th October 1899, printed, *infra*, p. 83, and Notification No. 841 (a)-I.B., dated the 1st April 1899, printed, *infra*, p. 83.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.****The First Schedule—contd.**The Police Act, 1861, as modified and applied—contd.*

**23.** It shall be the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority ; to collect and communicate intelligence affecting the public peace ; to prevent the commission of offences and public nuisances ; to detect and bring offenders to justice ; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists, and it shall be lawful for every police-officer for any of the purposes mentioned in this section without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

**Duties of police-officers.**

**24.** It shall be lawful for any police-officer to lay any information before a Magistrate, and to apply for a summons, warrant, search-warrant or such other legal process as may by law issue against any person committing an offence.

**Police-officers may lay information, etc.**

**25.** It shall be the duty of every police-officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district. Police-officers shall be guided, as to the disposal of such property, by such orders as they shall receive from the Magistrate of the district.

**Police-officer to take charge of unclaimed property, and be subject to Magistrate's orders as to disposal.**

**26. (1)** The Magistrate of the district may detain the property and issue a proclamation specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

**Magistrate may detain property and issue proclamation.**

**(2)** The provisions of section 525 of the Code of Criminal Procedure, 1898,<sup>1</sup> shall be applicable to property referred to in this section.

**27. (1)** If no person shall within the period allowed claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

**Confiscation of property if no claimant appears.**

**(2)** The sale proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26, to which no claim has been established, shall be at the disposal of Government.

**28.** Every person having ceased to be a police-officer under this Act, who shall not forthwith deliver up his certificate and the clothing, accoutrements, appointments and other necessities which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees or to imprisonment, with or without hard labour, for a period not exceeding six months, or to both.

**Persons refusing to deliver up certificate, etc., on ceasing to be police-officers.**

**29.** Every police-officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority,

**Penalties for neglect of duty, etc.**

or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave,

or who shall engage without authority in any employment other than his police duty,

or who shall be guilty of cowardice,

or who shall offer any unwarrantable personal violence to any person in his custody,

shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labour, for a period not exceeding three months, or to both.

<sup>1</sup> The Code has been applied to these Cantonments by Notification No. 2691-I.A., dated the 7th October, 1898, printed, *infra*, p. 83, and Notification No. 841 (a)-I.B., dated the 1st April 1899, *infra*, p. 83.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.****The Police Act, 1861 (V of 1861)—contd.**The First Schedule—contd.**The Police Act, 1861, as modified and applied—contd.*

30. (1) The District Superintendent or Assistant District Superintendent of Police may, as Regulation of public assemblies and processions, and of music in the streets. occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any person or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section, provided that no fee shall be charged on the application for, or grant of, any such license.

(4) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

30-A. (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse. Powers with regard to assemblies and processions violating conditions of license.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section, shall be deemed to be an unlawful assembly.

31. It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghâts and landing-places and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, street, thoroughfare, ghât or landing-place may be thronged or may be liable to be obstructed. Police to keep order in public roads, etc.

32. Every person opposing or not obeying the orders issued under the last three preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees. Penalty for disobeying orders issued under last three sections, etc.

33. Nothing in the last four preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein. Saving of control of Magistrate of district.

34. Any person who, on any road or in any open place or street or thoroughfare within the general police district, commits any of the following offences to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees or to imprisonment not exceeding eight days; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely :— Punishment for certain offences on roads, etc.

1st.—Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle. Slaughtering cattle, furious riding, etc.

Cruelty to animals.

2nd.—Any person who wantonly or cruelly beats, abuses or tortures any animal.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.****The First Schedule—contd.**The Police Act, 1861, as modified and applied—contd.*

**3rd.**—Any person who keeps any cattle or conveyance of any kind standing longer than required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public.

**Exposing goods for sale.** **4th.**—Any person who exposes any goods for sale.

**5th.**—Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any cow-shed, stable or the like; or causes throwing dirt into streets, any offensive matter to run from any house, factory, dung-heap or the like.

**Being found drunk or riotous.** **6th.**—Any person who is found drunk or riotous or who is incapable of taking care of himself.

**7th.**—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.

**Neglect to protect dangerous places.** **8th.**—Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

**35.** Every charge against a police-officer above the rank of a constable under this Act shall be enquired into and determined only by a Magistrate of the first class.

**36.** Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable, under any other Regulation or Act, to any other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence.

**37.** The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code,<sup>1</sup> and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1898, with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate:

Provided that, notwithstanding anything contained in section 65 of the first mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days.

\* \* \* \* \*

**41.** All sums paid for the service of process by police-officers, and all rewards, forfeitures and penalties, or shares of rewards, forfeitures and penalties, which by law are payable to informers, shall, when the information is laid by a police-officer, be paid into the General Police Fund.

**42.** Notice in writing of all actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done, under the provisions of this Act or under the general police powers hereby given, and of the cause thereof, shall be given to the defendant, or to the District Superintendent or Assistant District Superintendent of Police, one month at least before the commencement of the action.

<sup>1</sup> So far as is known the Indian Penal Code has not been applied to the Gwalior Residency and the Agra-Bombay Road between Manpur and Bijasini Chowki in the Bhopawar Agency.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.****The First Schedule—concl'd.**The Police Act, 1861, as modified and applied—cont'd.*

No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action :

Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.

43. When any action or prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine :

Provided always that any remedy which the party may have against the authority issuing such warrant, shall not be affected by anything contained in this section.

44. It shall be the duty of every officer in charge of a police-station to keep a general diary in such form as shall, from time to time, be prescribed by the Agent to the Governor General in Central India, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

The Magistrate of the district shall be at liberty to call for and inspect such diary.

45. The Agent to the Governor General in Central India may direct the submission of such returns by the Inspector General and other police-officers as to him shall seem proper, and may prescribe the form in which such returns shall be made.

46. (1) The Agent to the Governor General in Central India may, from time to time, by notification in the Central India Agency Orders, make rules consistent with this Act—

(a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act; and

(b) generally, for giving effect to the provisions of this Act.

(2) All rules made under this Act may, from time to time, be amended, added to or cancelled by the Agent to the Governor General in Central India.

FORM.

(See Section 8)

A. B. has been appointed a member of the police force under the Police Act, 1861, as applied to the Indore and Gwalior Residencies, the Cantonment and Civil Lines of Nowgong, the Cantonments of Mhow, Neemuch, Sehore, Sirdarpur, Satna and Agar, and part of the Agra and Bombay Road, for the purposes of the said Act, and is vested with the powers, functions and privileges of a police-officer.



CHAPTER III.—(1)—ALL CANTONMENTS—*contd.*British-Central India Agency Cantonments Enactments—1.—(a) Notifications applying Acts—*contd.*The Police Act, 1861 (V of 1861)—*concl'd.*

## THE SECOND SCHEDULE.

Number and date.	Part superseded.	REMARKS.
No. 1375-I., dated the 25th April, 1890.	Paragraph 1, clause (5)	Makes certain modifications in section 12 of Act XIII of 1889, as applied to the Cantonment of Mhow.
No. 1376-I., dated the 25th April, 1890.	Paragraph 1, clause (5)	Ditto as regards the Cantonment of Neemuch.
No. 5022-I., dated the 24th December, 1891.	So much of Part I as refers to Act XX of 1856 or Act V of 1861 and the whole of Part IV.	Part I applies Act XX of 1856 to the Cantonment and Civil Lines of Nowgong and section 34 of Act V of 1861 to the Cantonments of Nowgong, Mhow and Neemuch and the Civil Lines of Nowgong. Part IV vests the administration of the police in the Cantonment Magistrate, controlled by the Officer Commanding the Cantonment.
No. 5024-I., dated the 24th December 1891.	Paragraph 1, clause (7)	Makes certain modifications in section 12 of Act XIII of 1889 as applied to the Cantonment of Nowgong.

[See *Gazette of India*, 1899, Pt. I, p. 259.]

The Indian Stamp Act, 1879 (I of 1879).

No. 1366-I., dated the 25th April, 1890.—The Governor General in Council is pleased to declare that the provisions, so far as they may be suitable, of the Indian Stamp Act, I of 1879,<sup>1</sup> are applied to the British Cantonments within the Central India Agency.

\* \* \* \* \*

2. The Notifications of the Government of India in the Foreign Department, No. 3, dated the 9th January, 1868, and No. 32-J., dated the 4th March, 1870, are hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 259.]

<sup>1</sup> Repealed in British India by the Indian Stamp Act, 1899 (II 1899).

<sup>2</sup> The portion of this Notification here omitted relates to the Indore Residency Bazars,—*infra*, p. 259.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***British-Central India Agency Cantonments Enactments—1.-(a) Notifications applying Acts—*concl'd.***

The Revenue Recovery Act, 1890 (I of 1890).

*No. 1415-I., dated the 30th April 1890.—printed, infra, p. 343.*

The Epidemic Diseases Act, 1897 (III of 1897).

*No. 443-I.A., dated the 4th February 1897.—printed, infra, p. 345.*

The Code of Criminal Procedure, 1898 (Act V of 1898).

*No. 2691-I.A., dated the 7th October, 1895.*—Whereas the Governor General in Council has power and jurisdiction within the Cantonments of Agar, Guna, Sehore, Sirdarpur, Mhow, Neemuch and the Cantonment and Civil Lines of Nowgong within the limits of the Central India Agency.

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, and in modification of the Notifications

<sup>1</sup> No. 5022-I., dated the 21th of the Government of India in the Foreign Department cited in the margin, the Governor General December, 1891.

<sup>1</sup> No. 4370-I., dated the 28th in Council is pleased to apply to the said local areas November, 1892. the provisions, so far as they may be applicable, of the provisions, so far as they may be applicable, of the <sup>2</sup> Code of Criminal Procedure, 1898 (Act V of 1898) :

Provided that all references to the Code of Criminal Procedure of 1882 in the said Notifications shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), and that the latter Code, as now applied, shall be subject to the provisions of the said Notification so construed,

[See *Gazette of India*, 1898, Pt. I, p. 1021.]

*No. 841 (a)-I. B., dated the 1st April, 1899.*—Whereas the Governor General in Council has power and jurisdiction within the Cantonment of Satna within the limits of the Central India Agency.

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, and in modification of the Notification of

<sup>1</sup> No. 4370-I., dated the 28th of the Government of India in the Foreign Department cited in the margin, the Governor General November, 1892.

Council is pleased to apply to the said local area the provisions, so far as they may be applicable, of the Code of Criminal Procedure, 1898 (Act V of 1898) :

Provided that all references to the Code of Criminal Procedure of 1882 in the said Notification shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), and that the latter Code, as now applied, shall be subject to the provisions of the said Notification so construed.

[See *Gazette of India*, 1899, Pt. I, p. 259.]

<sup>1</sup> Printed, *infra*, pp. 97 and 254 respectively.    <sup>2</sup> Printed, General Acts, Vol. VI, Ed. 1898, p. 880.

CHAPTER III.—(1)—ALL CANTONMENTS—*contd.***BRITISH-CENTRAL INDIA AGENCY CANTONMENTS ENACTMENTS.****1.-(b) Special Local Laws.**

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**Recovery of Revenue arrears accruing in British India.**

*No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

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**Printing and publication of newspapers and other printed works.**

*No. 2651-I., dated the 25th June, 1891.—printed, infra, p. 348.*

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**Execution of Warrants of Capital Sentences of British Courts beyond British India.**

*No. 1431-I., dated the 27th April, 1898.—printed, infra, p. 345.*

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**Rules regulating the payment of expenses of complainants and witnesses in Criminal Courts.**

*No. 1626-I.B., dated the 16th June 1899.—printed, supra, p. 49.*

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**2.-Local Order under an Act of the Governor General in Council locally applied.**

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**Delegation of powers under the Epidemic Diseases Act, 1897 (III of 1897).**

*No. 444-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

CHAPTER III.—(1)—ALL CANTONMENTS—*concl'd.*OSMANIA UNIVERSITY  
COLLEGE LIBRARY.

## SUPPLEMENTARY NOTES.

**I.—Application of the Indian Articles of War to certain corps in Native States.—**The Indian Articles of War (Act V of 1869 as amended by Act XII of 1894) have been applied, with effect from the 15th February, 1897, to the Central India Horse and the Malwa Bhil Corps. See Notification No. 563-I.B., dated the 12th February, 1897, see *Gazette of India*, 1897, Pt. I, p. 120.

**II.—Notification placing under the orders of the Commander-in-Chief certain corps in Native States raised under the authority of the Governor General, etc.—**The Central India Horse and the Malwa Bhil Corps have been placed under the orders of the Commander-in-Chief in India. The Central India Horse have been allotted to the Bengal Command, to form a portion of the troops under the General Officer Commanding the Bandelkhand Division, and the Malwa Bhil Corps to the Bombay Command under the orders of the General Officer Commanding the Mhow District. See *Notifications No. 564-I.B., dated the 12th February, 1897, Gazette of India*, 1897, Pt. I, p. 120; and *No. 3260-I.B., dated the 26th August, 1897, correcting a typographical error in the preceding Notification, Gazette of India*, 1897, Pt. I, p. 773.

**III.—Miscellaneous areas amalgamated for certain purposes with the Cantonments.—**The Gwalior Residency and that portion of the Agra and Bombay Road between Manpur and Bijasini Chowki which passes through the Bhopawar Agency have been included with the Cantonments in a general police district, and the Police Act 1861 (V of 1861) has been jointly applied to the areas constituting the district. See *supra*, page 74. This represents the only jurisdictional arrangement entered into with regard to these miscellaneous areas.

CHAPTER III.—II (1)—THE MHOW CANTONMENT.

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## CHAPTER III.

CANTONMENTS—*contd.*

## II (1)—CANTONMENT OF MHOW.

(INDORE.)

The British Enactments in force locally in the Cantonment of Mhow treated separately consist of—

*A.—British-Indian Enactments, namely,—*

Local Rules and Orders under Acts in force generally in all Native States.

*B.—British-Mhow Enactments, namely,—*

## 1.—Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

## 2.—Local Rules and Orders—

under Acts of the Governor General in Council locally applied.

## CHAPTER III.—II (1)—THE MHOW CANTONMENT.

*A.—British-Indian Enactments.*

## LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	4 & 6	Appointment of a Justice of the Peace.	No. 2311-I., dated the 15th August, 1883. [ Printed, <i>infra</i> , p. 93. ]
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 & 24 (2)	Appointment of the Cantonment Magistrate at Mhow to be a Registrar of Births and Deaths with reference to section 11 (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-I., dated the 30th September, 1891. [ Printed, <i>supra</i> , p. 60. ]

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.**B.—British-Mhow Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Extent of application.	Notification.
* Workmen's Breach of Contract Act, 1859 (XIII of 1859).	The whole Act, so far as circumstances admit and as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 97.]
Indian Penal Code, 1860 (Act XLV of 1860).	Ditto . . . .	Ditto.
Whipping Act, 1864 (VI of 1864).	The whole Act, so far as circumstances admit.	Ditto.
*The Indian Succession Act, 1865 (X of 1865).	The whole Act, so far as circumstances admit and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Court-fees Act, 1870 (VII of 1870).	Ditto . . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 97.]
Cattle Trespass Act, 1871 (I of 1871).	Ditto . . . .	No. 970-I., dated the 20th March, 1895. [See <i>Gazette of India</i> , 1895, Pt. I, p. 216.]
Indian Evidence Act, 1872 (I of 1872).	Ditto . . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 97.]
Indian Contract Act, 1872 (IX of 1872).	Ditto . . . .	Ditto.
*Specific Relief Act, 1877 (I of 1877).	Ditto . . . .	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Indian Registration Act, 1877 (III of 1877).	The whole Act, so far as it may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 93.]
Indian Limitation Act, 1877 (XV of 1877).	The whole Act, so far as circumstances admit and as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 97.]
Indian Arms Act, 1878 (XI of 1878).	Ditto . . . .	Ditto.
* Registration and Limitation Act Amendment Act, 1879 (XII of 1879).	So far as it amends the Registration Act (III of 1877), and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 93.]
Hackney Carriage Act, 1879 (XIV of 1879).	The whole Act so far as it may be suitable.	No. 2680-I., dated the 15th August, 1895. [Printed, <i>infra</i> , p. 101.]

<sup>1</sup> See also Section I of this Chapter.

\* These short titles were given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 831.

\* These Acts have been incorporated in Notification No. 5022-I., dated the 24th December, 1891, printed, *infra*, p. 97, as directed by Notifications printed opposite them in column 3

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.**B.—British-Mhow Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED<sup>1</sup>—*contd.*

Act.	Extent of application.	Notification.
<sup>2</sup> Transfer of Property Act, 1882 (IV of 1882).	The whole Act, so far as circumstances admit and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1855.]
Code of Civil Procedure, 1882 (XIV of 1882).	Ditto . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 97.]
<sup>3</sup> Indian Income-tax Act, 1886 (II of 1886).	See the Notification. . .	No. 297-I., dated the 26th January, 1897. [Printed, <i>infra</i> , p. 93.]
Indian Registration Act, 1886 (VII of 1886).	So far as it amends the Registration Act, and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 93.]
Debtors Act, 1888 (VI of 1888).	Sections 2 to 8, both inclusive, as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 97.]
Civil Procedure Code Amendment Act, 1888 (VII of 1888).	Section 65, so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 93.]
<sup>4</sup> Succession Certificates Act, 1889 (VII of 1889).	The whole Act so far as circumstances admit and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 455.]
Cantonments Act, 1889 (XIII of 1889).	See the Notification.	No. 1375-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 95.]
Cantonments Act, 1897 (XV of 1897).	The whole Act.	No. 1288-I., dated the 13th May, 1898. [Printed, <i>infra</i> , p. 97.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> The Act has been incorporated in Notification No. 5022-I., dated the 24th December, 1891, printed, *infra*, p. 97, as directed by the Notification printed opposite it in column 3.<sup>3</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 231.



CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.**B.—British-Mhow Enactments.*1.-(h) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject.	Notification.	Reference.
1889	Mhow Small Cause Court Law . . . . .	<i>No. 1572-I., dated the 29th March, 1889, as amended by No. 1375-I., dated the 25th April, 1890.</i>	Printed, <i>infra</i> , p. 102.
„	Notifying the Civil Judge's Court and Small Cause Court at Mhow, among other Courts, as having been established or continued by the Governor General in Council.	<i>No. 1361-I., dated the 29th March, 1889.</i>	Printed, <i>infra</i> , p. 336.
1889 & 1890.	Providing for— (1) Execution of decrees— (a) of British Indian Courts, by the Civil Judge's Court and Small Cause Court at Mhow; (b) of the Civil Judge's Court and Small Cause Court at Mhow, by Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States, by the Civil Judge's Court and Small Cause Court at Mhow. (2) Service of summons— (a) of British Indian Civil and Revenue Courts, by the Civil Judge's Court and Small Cause Court at Mhow; (b) of the Civil Judge's Court and Small Cause Court at Mhow, by Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Hyderabad, Central India, Mysore and in Bombay Native States, by the Civil Judge's Court and Small Cause Court at Mhow.	<i>Nos. 1362-I. to 1364-I., dated the 29th March, 1889, and No. 2183-I., dated the 2nd July, 1890.</i>  <i>Nos. 1366-I. to 1368-I., dated the 29th March, 1889, and No. 2182-I., dated the 2nd July, 1890.</i>	Printed, <i>infra</i> , pp. 338 to 340.  Printed, <i>infra</i> , pp. 342 and 343.
1891	Delegation of functions of the Local Government for the purposes of certain enactments providing for the administration of Criminal and Civil Justice and the police, and repealing certain Notifications.	<i>No. 5022-I., dated the 24th December, 1891.</i>	Printed, <i>infra</i> , p. 97.
1898	Mhow, Neemuch and Nowgong Excise Law, 1898.	<i>No. 741-I.B., dated the 17th March, 1898.</i>	Printed, <i>infra</i> , p. 105.
1899	Applying the Rules in force in British India under the Arms Act, 1878 (XI of 1878).	<i>No. 2463-I.A., dated the 25th August, 1899.</i>	Printed, <i>infra</i> , p. 113.

<sup>1</sup> See also Section I of this Chapter.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.**B.—British-Mhow Enactments.*2.-LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Section.	Subject of Notification.	Notification.
Cattle Trespass Act, 1871 (I of 1871).	26	First portion of section 26 to be read as if it referred to cattle generally.	No. 6343, dated 8th September, 1898. [Printed, <i>infra</i> , p. 114.]
Indian Registration Act, 1877 (III of 1877).	4 to 8	Conferring powers, forming a district and sub-district, appointing a Registrar and Sub-Registrar therefor, fixing the offices of the Registrar and Sub-Registrar and appointing an Inspector of Registration offices.	No. 1368-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 114.]
Ditto	69	Rules under section 69 . . .	No. 1466, dated the 8th April, 1890. [Printed, <i>infra</i> , p. 115.]
Ditto . . .	78 & 79	Prescribing a table of fees . . .	No. 1372-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 131.]
Hackney Carriages Act, 1879 (XIV of 1879).	3 to 6	Rules under the Act. . .	No. 2682-I., dated the 15th August, 1895. [Printed, <i>infra</i> , p. 134.]
Cantonments Act, 1889 (XIII of 1889).	8	Appointment of a Judge of the Small Cause Court and fixing the limit of value of suits cognizable by him.	2582-I., dated the 31st July, 1894. [Printed, <i>infra</i> , p. 139.]
Ditto . . .	17 (1)	Imposition of taxes. . .	No. 2527-I., dated the 30th July, 1885, as amended by No. 3842-I., dated the 1st October 1889, No. 686-I., dated the 11th February, 1891, and No. 883-I., dated the 26th February, 1892. [Printed, <i>infra</i> , p. 139.]
Ditto . . .	"	Levy of octroi duties specified in the Schedule to Foreign Department Notification No. 2527-I., dated the 30th July 1885, on all articles in that Schedule imported into the Cantonment of Mhow for sale, consumption or use therein.	No. 4358-I., dated the 22nd December, 1893. [Printed, <i>infra</i> , p. 165.]
Ditto . . .	"	Tax on dogs other than those owned by warrant-officers, non-commissioned officers and soldiers of the regular forces.	No. 1877-I., dated the 9th May, 1889. [Printed, <i>infra</i> , p. 161.]
Ditto . . .	17 (1) (b)	Rule for the commutation of octroi duties on parcels by post or railway.	No. 1542-I.B., dated the 9th June, 1899. [Printed, <i>infra</i> , p. 147.]

<sup>1</sup> See also Section I of this Chapter.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.**B.—British-Mhow Enactments.*2.-LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL. LOCALLY APPLIED<sup>1</sup>—*contd.*

Act.	Section.	Subject of Notification.	Notification.
Cantonments Act, 1889 (XIII of 1889).	17 (2)	The Mhow Cantonment Taxation Regulations.	No. 2528-I., dated the 30th July, 1885, as amended by No. 3828-I., dated the 1st October, 1889, and No. 1793-I., dated the 29th May, 1890. [Printed, <i>infra</i> , p. 148.]
Ditto . . .	„	Rules for the recovery of the dog tax.	No. 1878-I., dated the 9th May, 1889. [Printed, <i>infra</i> , p. 161.]
Ditto . . .	20 (1)	Exemption of green fodder for Native Silahdar cavalry from octroi duty.	No. 3257-I.A., dated the 8th December, 1898. [Printed, <i>infra</i> , p. 165.]
Ditto . . .	26 and 27	Applying the Contagious Disease Rules made for all Cantonments in British India by Notification No. 1148, <sup>2</sup> dated the 15th October, 1897.	No. 1290-I.A., dated the 13th May, 1898. [Printed, <i>infra</i> , p. 165.]
Ditto . . .	„	Applying to the Cantonment the additional rule regarding contagious diseases made by Notification No. 229-J., <sup>3</sup> dated the 3rd March, 1899, for all Cantonments in British India.	No. 1097-I.A., dated the 28th April, 1899. [Printed, <i>infra</i> , p. 166.]
Ditto . . .	27	Applying the Cantonment Fund Rules published in Military Department's G. O. No. 597, <sup>4</sup> dated 22nd May, 1896.	No. 3548-I.A., dated the 21st November, 1896. [Printed, <i>infra</i> , p. 166.]
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Exercise of the powers conferred by section 2, sub-section (1) by the Local Government.	No. 1421-I.A., dated the 15th April, 1897. [Printed, <i>infra</i> , p. 166.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> See *Gazette of India*, 1897, Pt. I, p. 941.<sup>3</sup> See *Gazette of India*, 1899, Pt. I, p. 134.<sup>4</sup> See *Gazette of India*, 1896, Pt. I, p. 879.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.*

## A.—BRITISH-INDIAN ENACTMENTS.

## Local Rules and Orders under Acts in force generally in all Native States.

## Appointment of a Justice of the Peace.

*No. 2311-I., dated the 13th August, 1883.*—In exercise of the powers conferred by sections 4 and 6 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879,) the Governor General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of Mhow, being a European British subject, to be a Justice of the Peace within the limits of that Cantonment.

[See *Gazette of India*, 1883, Pt. I, p. 346.]

## Appointment of a Registrar of Births and Deaths and of a Registrar General.

*No. 3998-I., dated the 30th September, 1891.*—printed, *supra*, p. 60.

## B.—BRITISH-MHOW CANTONMENT ENACTMENTS.

## 1.-(a) Notifications applying Acts of the Governor General in Council.

The Indian Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by Acts XVIII of 1886 and XX of 1889.

*No. 5019-I., dated the 23rd December, 1891.*—printed, *supra*, p. 74.

## The Police Act, 1861 (V of 1861).

*No. 841 (b)-I.B., dated the 1st April, 1899.*—printed, *supra*, p. 74.

The Registration Act, 1877 (III of 1877) as amended by Acts XII of 1879, VII of 1886 and VII of 1888.

*No. 1367-I., dated the 26th April, 1890.*—The Governor General in Council is pleased to declare that the provisions, so far as they may be suitable, of the Indian Registration Act, III of 1877, as amended by Acts XII of 1879, VII of 1886, and VII of 1888, section 65, are applied to the Cantonments of Mhow, Neemuch and Nowgong.

[See *Gazette of India*, 1890, Pt. I, p. 259]

## The Indian Stamp Act, 1879 (I of 1879).

*No. 1366-I., dated the 25th April, 1890.*—printed, *supra*, p. 82.

The Indian Income-tax Act, 1886 (II of 1886).<sup>1</sup>

*No. 297-I., dated the 6th January, 1887.*—The Governor General in Council is pleased to extend Act II of 1886 (an Act for imposing a tax on income derived

<sup>1</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, *General Acts*, Vol. VI, Ed. 1898, p. 331.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(a) Notifications applying Acts—*contd.*****The Indian Income-tax Act, 1886 (II of 1886)—*contd.***

from sources other than agriculture) to the Cantonment of Mhow, subject to the modifications hereinafter set forth :—

- (1) For “British India,” wherever the phrase occurs, *read* “the Cantonment of Mhow.”
- (2) In sections 22 and 43, for “India” *read* “the Cantonment of Mhow.”
- (3) In section 30 (1), for “any part of the territories administered by the Local Government to which he is subordinate,” and in section 38 (1), for “the territories subject to that Government” *read* “the Cantonment of Mhow.”
- (4) For “a Local Government” and “the Local Government,” wherever those phrases occur, *read* “the Agent to the Governor General in Central India.”
- (5) In sections 27 and 34 (2), for “the Commissioner of the Division,” in section 28 (in both places in which the word occurs), for “Commissioner,” and in section 40 for “a Commissioner of Division,” *read* “the First Assistant to the Agent to the Governor General in Central India.”
- (6) In section 1, for sub-section (1), *read* “(1) This Act extends to the Cantonment of Mhow,” and for “the passing of this Act” in sub-section (3) *read* “the date of this Notification.”
- (7) In section 3, for clause (9) *read* “(9) ‘Collector’ means Cantonment Magistrate of Mhow.”
- (8) In section 23, third clause, *insert* “or” *after* “receiver.”
- (9) Omit the following :—
  - (a) section 2 and the first schedule ;
  - (b) in section 3—
 

“body of Port Commissioners” in clause (1) ; clause (5), from and including “and includes ;”

“a Presidency Magistrate or” in clause (6) ;
  - (c) in section 18—
 

clause (c) of sub-section (1) ;

“or clause (c)” in sub-sections (2) and (3) ;

“or served” in sub-section (3) ;
  - (d) in section 22 “the Courts of Wards, the Administrators General of Bengal, Madras, and Bombay and the Official Trustees ;”
  - (e) in section 23—
 

“a Court of Wards, an Administrator General or an Official Trustee” in the second clause ;

“or Court,” “or its” and “Court of Wards, Administrator General or Official Trustee” in the third clause ;
  - (f) in section 32, clause (c), “district or districts ;”
  - (g) in section 43, “or a Court of Wards, Administrator General or Official Trustee ;”

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.*****The Indian Income-tax Act, 1886 (II of 1886)—*concl.***

(h) sections 47 and 48 ;

(i) in the second schedule, Part I, Article 2.

10. For the period ending on the 31st day of March, 1887, the Act shall be read as though the dates specified in the second column of the following table were substituted for those specified against them in the first column :—

1	2
Thirty-first day of March.	Thirty-first day of January.
First day of April, 1886.	First day of February, 1887.
Fifteenth day of April.	Fifteenth day of February.
First day of June.	First day of April, 1887.

[ See *Gazette of India*, 1887, Pt. I, p. 51. ]**The Cantonments Act, 1889 (XIII of 1889).<sup>1</sup>**

*No. 1375-I, dated the 25th April, 1890.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Cantonments Act, XIII of 1889, so far as circumstances admit, to the Cantonment of Mhow, subject to the following modifications :—

- (1) For the words " Local Government," wherever they occur, the words " Governor General's Agent in Central India " shall be substituted.
- (2) For section 4 the following words shall be substituted :—  
" 4. The Governor General in Council may, by notification in the Official Gazette, define or alter the limits of the Cantonment of Mhow for the purposes of this Act and of all other enactments for the time being in force."
- (3) For section 7 the following section shall be substituted :—  
" 7. The Cantonment Magistrate shall be such person as the Governor General in Council from time to time, by name or in virtue of his office, appoints in this behalf, and shall exercise the powers of a District Magistrate and such other powers described in the Code of Criminal Procedure, 1882,<sup>2</sup> as X of the Governor General in Council may from time to time confer upon him."
- (4) For the first portion of section 8 down to and including the word " order " the following words shall be substituted :—  
" 8. The Governor General in Council may appoint the Cantonment Magistrate to be the Judge of the Court of Small Causes in the Cantonment of Mhow and shall in his order "
- (5) \* \* \* \*
- (6) In section 17, for the words " the territories administered by such Government " each time they occur the words " British India " shall be substituted.

<sup>1</sup> Printed, General Acts, Vol V, Ed. 1898, p. 335.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which applies to this Cantonment in virtue of Notification No. 2691-I, dated the 7th October 1898, printed *supra*, p. 83.

<sup>3</sup> Clause (5) was repealed by Notification No. 841 (b)-I.B., dated the 1st April 1899, printed *supra*, p. 74.

**CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***

**B.—British-Mhow Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.***

**The Cantonments Act, 1889 (XIII of 1889)—*contd.***

- (7) In sub-section (1) of section 18, for the words "any Cantonment which is not included in a municipality, and which is situated in any part of British India in which that Act is in force," the words "the Cantonment of Mhow" shall be substituted.
- (8) For sub-sections (1) and (2) of section 27 the following shall be substituted, namely :—

" (1) Whenever the Governor General in Council has, by a notification in the *Gazette of India*, extended, under section 25, any enactment in any form to any cantonment or any part of any cantonment in British India, or made, under section 26, any rule for any such cantonment or any part of any such cantonment, the Governor General in Council may, by notification in the *Gazette of India*, declare the enactment or rule so extended or made to be in force in the Cantonment of Mhow or any part thereof, subject to such restrictions and modifications, if any, as he thinks fit.

" (2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Mhow or the part thereof, as the case may be, until the Governor General in Council otherwise directs."

I of 1889.

II.—For the purpose of facilitating the application of the Cantonments Act, 1889, in the Cantonment of Mhow, any Court in the said Cantonment may construe it with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

III.—The Notification of the Government of India in the Foreign Department, No. 32-1.J., dated the 27th January, 1881 (extending the Cantonments Act, III of 1880, to the Cantonment of Mhow), and the portion of sub-section (1) of section 3 of the Mhow Small Cause Court Law, 1889,<sup>1</sup> from and after the words "and shall be deemed" to the end of the sub-section, are hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 263.]

**The Revenue Recovery Act, 1890 (I of 1890).**

*No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

**The Epidemic Diseases Act, 1897 (III of 1897).**

*No. 443-I.A., dated the 4th February 1897.—printed, infra, p. 349.*

**The Cantonments Act, 1897 (XV of 1897).**

*No. 1288-I.A., dated the 13th May, 1898.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in continuation of the Notifications of the Government of India in the Foreign Department, Nos. 2012—2017-1., dated the 21st June, 1895, and No. 3847-I., dated the 5th December, 1895, respectively, to apply the provisions of the Cantonments Act, 1897 (XV of 1897), to the Cantonments of

\* \* \* Mhow, Neemuch, \* \* \* Nowgong, \* \* \* respectively.

[See *Gazette of India*, 1898, Pt. I, p. 474.]

<sup>1</sup> Printed, *infra*, p. 102.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.***

Application of certain Acts and arrangements for the administration of Civil and Criminal Justice in Mhow, Neemuch and Nowgong.

*No. 5022-I., dated the 24th December, 1891.*—Whereas the Governor General in Council has power and jurisdiction within the Cantonments of Mhow and Neemuch and the Cantonment and Civil Lines of Nowgong, within the limits of the Central India Agency: In exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :—

**PART I.**

(1) The provisions, so far as circumstances admit and as amended for the time being by subsequent enactments, of the Acts specified in the Schedule to this Part, are hereby applied to the said Cantonments and Civil Lines, subject to the following modifications in the case of the Code of Criminal Procedure, 1882,<sup>1</sup> X of 1882, namely :—

(a) the Court of Session may take cognizance of any offence as a Court of original jurisdiction without the accused being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down for the trial of warrant cases by Magistrates ;

(b) trials before the Court of Session may be without jury or aid of assessors.

(2) For the purposes of all these Acts the Agent to the Governor General in Central India shall be deemed to be the Local Government.

(3) For the purpose of facilitating the application of any enactment for the time being in force in any of the said Cantonments and Civil Lines, any Court in the said Cantonments and Civil Lines may construe it with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court

*The Schedule.*

Number and year.	Subject.
XIII of 1859 . . . . .	Masters and Workmen.
XLV of 1860 . . . . .	Penal Code.
VI of 1864 . . . . .	Whipping.
X of 1865 . . . . .	Succession. <sup>2</sup>
VII of 1870 . . . . .	Court-fees.
I of 1871 . . . . .	Cattle Trespass. <sup>3</sup>
I of 1872 . . . . .	Evidence.
IX of 1872 . . . . .	Contracts.
I of 1877 . . . . .	Specific Relief. <sup>2</sup>
XV of 1877 . . . . .	Limitation.
XI of 1878 . . . . .	Arms.
IV of 1882 . . . . .	Transfer of Property. <sup>2</sup>
* . . . . *	* <sup>1</sup>
XIV of 1882 . . . . .	Civil Procedure.
VI of 1888 (ss. 2 to 8, both inclusive) . . . . .	Debtors.
VII of 1889 . . . . .	Succession Certificate. <sup>2</sup>

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which applies to this Cantonment in virtue of Notification No. 2691-I.A., dated the 7th October, 1898, *supra*, p. 83.

<sup>2</sup> These Acts were inserted by Notification No. 4561-I., dated the 22nd December, 1897, see *Gazette of India*, 1897, Pt. I, p. 455.

<sup>3</sup> This Act was inserted by Notification No. 970-I., dated the 20th March, 1895, see *Gazette of India*, 1895, Pt. I, p. 216.

<sup>4</sup> The entry relating to the Code of Criminal Procedure, 1882 (X of 1882), is omitted, as the Code of Criminal Procedure, 1898 (V of 1898), has been applied in modification of this Notification, see Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 83.



CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.***

**Application of certain Acts and arrangements for the administration of Civil and Criminal Justice in Mhow, Neemuch and Nowgong—*contd.***

## PART II.

For the purposes of the exercise of criminal jurisdiction within the said Cantonments and Civil Lines :

**X of 1882.** (1) The Cantonment Magistrate for the time being shall exercise the powers of a District Magistrate and such other powers described in the Code of Criminal Procedure<sup>1</sup> as the Governor General in Council may from time to time confer on him.

**X of 1882.** (2) In the Cantonment of Mhow the first Assistant for the time being to the Agent to the Governor General in Central India, and in the Cantonment of Neemuch and the Cantonment and Civil Lines of Nowgong, the Political Agent for the time being, shall exercise the powers of a Court of Session as described in the Code of Criminal Procedure.<sup>1</sup>

**X of 1882.** (3) The Agent to the Governor General in Central India shall exercise the jurisdiction of a High Court as described in the Code of Criminal Procedure<sup>1</sup> in respect of all offences over which the jurisdiction of a Court of Session is exercised by the Political Agent or First Assistant to the Agent to the Governor General in Central India, and for all purposes whatsoever connected with the administration of criminal justice.

(4) This part of this Notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects.

## PART III.

For the purposes of the exercise of civil jurisdiction within the said Cantonments and Civil Lines :—

**XIV of 1882.** (1) The Cantonment Magistrate for the time being shall exercise the powers of a District Judge as described in the Code of Civil Procedure, with jurisdiction in all original suits, whatever be the amount or value of the subject-matter, and in all cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the Cantonment.

**XIV of 1882.** (2) In the Cantonment of Mhow the First Assistant for the time being to the Agent to the Governor General in Central India, and in the Cantonment of Neemuch and the Cantonment and Civil Lines of Nowgong the Political Agent for the time being, shall exercise the powers of an Appellate Court, as described in the Code of Civil Procedure, for hearing appeals from the decrees and orders of the Cantonment Magistrate.

**XIV of 1882.** (3) The Agent to the Governor General in Central India for the time being shall exercise the powers of a High Court, as described in the Code of Civil Procedure, for hearing appeals from the decrees and orders passed in appeal by the Political Agent or First Assistant to the Agent to the Governor General in Central India, and for all purposes whatsoever connected with the administration of Civil Justice.

\* \* \* \* \*

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2691-I.A., dated the 7th October, 1898, printed at p. 83, *supra*.

<sup>2</sup> Part IV was repealed by Notification No. 841 (b)-I.B., dated the 1st April, 1899, printed, *supra*, p. 74.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(a) Notifications applying Acts—*contd.***

**Application of certain Acts and arrangements for the administration of Civil and Criminal Justice in Mhow, Neemuch and Nowgong—*contd.***

## PART V.

The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

- |   |   |
|---|---|
| No. 217, dated 4th October, 1863 . . .    | Investing the Cantonment Joint Magistrate of Neemuch with the civil powers described in Act III of 1859.  |
| No. 262, dated 31st August 1864 . . .     | Extending, under section 39 of the Act, Act XXII of 1864 to certain Cantonments in the Central India Agency, and issuing various orders under sections of the Act as so extended. |
| No. 214, dated 29th May, 1865 . . .       | Extending Act XIV of 1859 to the Cantonments in the Central India Agency in which Small Cause Courts have been established.   |
| No. 401, dated 24th October, 1865 . . .   | Extending Act XXV of 1861 to certain Cantonments in the Central India Agency.   |
| No. 170, dated 9th July, 1866 . . .       | Establishing, under section 6 of Act XXII of 1864, a Court of Small Causes in Nowgong.  |
| No. 242, dated 3rd October, 1866 . . .    | Extending, under section 12 of Act XXII of 1864, section 34 of Act V of 1861, to certain Cantonments in the Central India Agency.   |
| No. 34, dated 10th February, 1868 . . .   | Extending, under section 5 of the Act, Act XIII of 1859 to certain Cantonments in the Central India Agency.   |
| No. 265, dated 17th September, 1868 . . . | Extending the jurisdiction of the Cantonment Magistrate at Nowgong to the Civil Lines.  |
| No. 184, dated 29th July, 1869 . . .      | Investing certain Cantonment Magistrates in the Central India Agency with the powers of Civil Judges.   |
| No. 53, dated 5th May, 1870 . . .         | Extending Act VII of 1870 to all Cantonments in the Central India Agency.   |
| No. 1103-P., dated 7th May, 1872 . . .    | Extending the Arms Acts, XXXI of 1860 and VI of 1866, to Mhow.  |
| No. 182, dated 29th August, 1872 . . .    | Suspending, under Act XII of 1868, the operation of section 17 of Act XI of 1841 in the Cantonment of Mhow.   |
| No. 1912, dated 9th September, 1872 . . . | Extending Acts XXXI of 1860 and VI of 1866 to Neemuch.  |

<sup>1</sup> Amended by Notification No. 542-I., dated the 4th February, 1892, see *Gazette of India*, 1892, Pt. I, p. 78.

**CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***

**B.—British-Mhow Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.***

**Application of certain Acts and arrangements for the administration of Civil and Criminal Justice in Mhow, Neemuch and Nowgong—*contd.***

- |  |       |  |
|--|-------|--|
| No. 126, dated 24th June, 1873                 | . . . | Conferring first class magisterial powers under the Code of Criminal Procedure on the Cantonment Magistrate of Nowgong.  |
| No. 159-J., <sup>1</sup> dated 7th August 1873 | . . . | Delegating certain powers under the Criminal Procedure Code to the Agent to the Governor General, First Assistant to the Agent to the Governor General, Political Agents, and Cantonment Magistrates in Central India. |
| No. 167, dated 22nd August, 1873               | . . . | Extending Act VIII of 1859 to the Cantonment of Neemuch and conferring powers under the Code on the Cantonment Magistrate, the Political Agent, and the Agent to the Governor General.                                 |
| No. 168, dated 22nd August, 1873               | . . . | Suspending, under Act XII of 1868, the operation of section 17 of Act XI of 1841 in Neemuch.   |
| No. 209-J., dated 26th November, 1874          | . . . | Conferring magisterial powers on the officers in charge of certain jails.  |
| No. 45-J., dated 22nd April, 1875              | . . . | Conferring the powers of District Magistrate on certain Cantonment Magistrates in the Central India Agency.  |
| No. 167-I., dated 11th October, 1878           | . . . | Extending Act XXII of 1864 to the Cantonment of Satna.   |
| No. 297-I.J., dated 24th October, 1879         | . . . | Extending Act X of 1877, as amended by Act XII of 1879, to Nowgong, and conferring powers under the Code on the Cantonment Magistrate, Political Agent, and Agent to the Governor General.                             |
| No. 87, dated 21st January, 1881               | . . . | Extending Act III of 1880 to the Cantonment of Satna.  |
| No. 139 -I. J., dated 24th June, 1881          | . . . | Conferring powers of High Court, Court of Session and District Magistrate for purposes of section 28 of Act III of 1880 in certain cantonments in the Central India Agency.  |
| No. 142-I.J., dated 24th June, 1881            | . . . | Investing certain Assistant Cantonment Magistrates in the Central India Agency under section 28 of Act III of 1880 with powers to try breaches of rules and regulations made under section 25 of that Act.             |
| No. 145-I.J., dated 24th June, 1881            | . . . | Conferring certain magisterial powers on the Officer Commanding at Satna.  |
| No. 4539-I., dated 24th December, 1884         | . . . | Vesting, under section 9 of Act III of 1880 as extended to Mhow, the administration of police in Mhow in the Cantonment Magistrate.  |

CHAPTER III—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.***

Application of certain Acts and arrangements for the administration of Civil and Criminal Justice in Mhow, Neemuch and Nowgong—*concl'd.*

- No. 4541-I., dated 24th December, 1884 . . . Vesting, under section 9 of Act III of 1880 as extended to Nowgong, the administration of police in Nowgong in the Cantonment Magistrate.
- No. 4543-I., dated 24th December, 1884 . . . Vesting, under section 9 of Act III of 1880 as extended to Neemuch, the administration of police in Neemuch in the Cantonment Magistrate.
- No. 1496-I., dated 14th May, 1885 . . . Directing that officers exercising Civil jurisdiction in Mhow shall follow the procedure prescribed by Act XIV of 1882, and conferring powers of Appellate Court and High Court on the First Assistant to the Agent to the Governor General and the Agent to the Governor General.
- No. 47-I., dated 1st February, 1889 . . . Directing officers exercising Civil jurisdiction in Mhow to follow the procedure prescribed by Acts VI and VII of 1888.
- No. 1370-J., dated 29th March, 1889 . . . Extending Act XIV of 1882, as amended by subsequent Acts, to Neemuch.
- No. 1654-I., dated 26th April, 1889 . . . Directing that the provisions of Act X of 1888 be followed in Mhow.

[See *Gazette of India*, 1891, Pt. I, p. 701.]

**The Hackney Carriage Act, 1879 (XIV of 1879).**

*No. 2680-I., dated the 15th August, 1895.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Hackney Carriage Act (XIV of 1879) to the Cantonment of Mhow, so far as they may be suitable :

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Cantonment of Mhow may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

[See *Gazette of India*, 1895, Pt. I, p. 705.]

**Rules regulating payment of expenses of complainants and witnesses attending Criminal Courts.**

*No. 1626-I.B., dated the 16th June, 1899.*—printed, *supra*, p. 49.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

## B.—BRITISH-MHOW CANTONMENT ENACTMENTS.

## 1.-(b) Special Local Laws.

## The Mhow Small Cause Courts Law, 1889.

*No. 1372-I., dated the 29th March, 1889.*—Whereas it is expedient to amend the law relating to the Court of Small Causes in the Cantonment of Mhow; the Governor General in Council has been pleased to make the following rules :—

## CHAPTER I.

## PRELIMINARY.

Title and commencement. 1. (1) These rules may be called the Mhow Small Cause Court Law, 1889, and are hereinafter referred to as “this Law”; and

(2) They shall come into force on the first day of May, 1889.

Savings.

2. Nothing in this Law shall be construed to affect—

- (a) any proceedings before or after decree in any suit instituted before the commencement of this Law; or
- (b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature; or
- (c) any local law or any special law other than the Code of Civil Procedure<sup>1</sup> as applied in the Cantonment of Mhow (that Code being hereinafter referred to as “the Code”).

XIV of 1882.

## CHAPTER II.

## CONSTITUTION OF THE COURT OF SMALL CAUSES.

3. (1) The Court of Small Causes established in the Cantonment of Mhow by Notification of the Government of India in the Foreign Department, No. 262, dated the thirty-first day of August, 1864,<sup>2</sup> (hereinafter referred to as the Court of Small Causes), is hereby continued.<sup>3</sup> \* \* \*

(2) The local limits of the jurisdiction of the Court of Small Causes shall be the limits for the time being of the Cantonment of Mhow, and the Court may be held at such place or places, within those limits, as the Agent to the Governor General in Central India may from time to time appoint.

<sup>1</sup> The Code is now in force in Mhow in virtue of Notification No. 5022-I., dated the 24th December, 1894, printed, *supra*, p. 97.

<sup>2</sup> See *Gazette of India* 1864, p. 702.

<sup>3</sup> The rest of this sub-section was cancelled by para. III of Notification No. 1375-I., dated the 25th April, 1890, printed, *supra*, p. 95.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow Small Cause Courts Law, 1889—*contd.***

4. Subject to any orders of the Agent to the Governor General in Central India in this behalf, the law or practice for the time being applicable to the appointment, punishment and transfer of ministerial officers of the Court of the Civil Judge in the Cantonment of Mhow shall, so far as it can be made applicable, apply to the appointment, punishment and transfer of ministerial officers of the Court of Small Causes.

5. (1) The ministerial officers of the Court of Small Causes shall, in addition to any duties mentioned in this Law or in any other enactment for the time being in force, as duties which are or may be imposed on any of them, discharge such duties of a ministerial nature as the Judge from time to time directs.

(2) The Agent to the Governor General in Central India may from time to time make rules consistent with this Law, and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of the Court of Small Causes such powers and duties as he thinks fit, and prescribing the mode in which powers and duties so conferred and imposed are to be exercised and performed.

## CHAPTER III.

## JURISDICTION OF THE COURT OF SMALL CAUSES.

6. (1) The Court of Small Causes shall not take cognizance of the suits specified (as being excepted from the cognizance of a Court of Small Causes) in the second schedule to the Provincial Small Cause Courts Act, 1887, being Act IX of 1887 of the Acts of IX of 1887. the Governor General of India in Council.

(2) Subject to the exceptions specified in that schedule, and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed the amount for the time being declared to be the pecuniary limit of the jurisdiction of the Court of Small Causes under the provisions or section 5 of the Cantonments Act,<sup>1</sup> shall be cognizable by the Court of Small Causes.

7. Save as expressly provided by this Law, or by any other enactment for the time being in force, a suit cognizable by the Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes.

## CHAPTER IV.

## PRACTICE AND PROCEDURE.

8. (1) The procedure prescribed in the Chapters and sections of the Code which are specified in the second schedule thereto, shall, so far as those Chapters and sections are applicable, be the procedure to be followed in the Application of the Code of Civil Procedure.

<sup>1</sup> The Cantonments Act, 1889 (XIII of 1889), is in force in this Cantonment in virtue of Notification No. 1375-I., dated the 25th April 1890, printed, *supra*, p. 95.

### CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

#### B.—British-Mhow Cantonment Enactments—1.(b) Special Local Laws—*contd.*

##### The Mhow Small Cause Courts Law, 1889—*contd.*

Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits :

Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(2) Where a person has become liable as surety under the proviso to sub-section (1), the security may be realized in manner provided by section 253 of the Code.

9. When the Judge of the Court of Small Causes is absent, the chief ministerial officer of the Court may exercise from time to time the power which the Court possesses of adjourning the hearing of any suit or other proceeding and fix a day for the further hearing thereof.

10. (1) Notwithstanding anything in the foregoing provisions of this Law, when the right of a plaintiff and the relief claimed by him in the Court of Small Causes depend upon the proof or disproof of a title to immoveable property or other title which the Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

(2) When the Court returns a plaint under sub-section (1), it shall comply with the provisions of the second paragraph of section 57 of the Code, and make such order with respect to costs as it deems just.

11. Where an order specified in section 588, clause (29), of the Code is made by the Court of Small Causes, an appeal therefrom shall lie to the First Assistant to the Agent to the Governor General in Central India.

12. The Agent to the Governor General in Central India, for the purpose of satisfying himself that a decree or order made in any case decided by the Court of Small Causes was according to law, may call for the case and may pass, with respect to any case so called for, such order as he thinks fit.

13. Save as provided by this Law, a decree or order made under the foregoing provisions of this Law by the Court of Small Causes shall be final.

### CHAPTER V.

#### SUPPLEMENTAL PROVISIONS.

14 The Court of Small Causes shall be subject to the administrative control of the First Assistant to the Agent to the Governor General in Central India, and to the superintendence of the Agent to the Governor General in Central India, and shall—

(a) Keep such registers, books and accounts as the Agent to the Governor General in Central India from time to time prescribes ; and

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow Small Cause Courts Law, 1889—*concl'd.***

(b) comply with such requisitions as may be made by the First Assistant to the Agent to the Governor General in Central India, or the Agent to the Governor General in Central India, for records, returns and statements in such form and manner as the authority making the requisition directs.

15. The Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Agent to the Governor General in Central India.

16. An application for a review of judgment by the Court of Small Causes made after fifteen days from the date of the decree or order may be dismissed although limitation has not been set up as a defence.

[See *Gazette of India*, 1889, Pt. I, p. 190.]

**Recovery of Revenue accruing in British India.**

*No. 1415-I., dated the 30th April, 1899.—printed, infra, p. 347.*

**Printing and Publication of newspapers and other printed works.**

*No. 2651-I., dated the 25th June, 1891.—printed, infra, p. 348.*

**Execution of warrants relating to Capital Sentences passed by British Courts beyond British India.**

*No. 1431-I., dated the 27th April, 1893.—printed, infra, p. 345.*

Orders as to Courts established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summons between such Courts, British Indian Courts and certain Courts in Native States.

*Nos. 1361-I. to 1364-I., dated the 29th March, 1899, and Nos. 1366-I. to 1368-I., dated idem, and Nos. 2182-I. and 2183-I., dated the 2nd July, 1890.—printed, infra, pp. 336 to 343.*

**The Mhow, Neemuch and Nowgong Excise Law, 1898.**

*No. 741-I.B., dated the 17th March, 1898.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom, within the Cantonments of Mhow and Neemuch and the Cantonment and Civil Lines of Nowgong, respectively:—

Short title and commencement. 1. (1) These orders may be called the Mhow, Neemuch and Nowgong Excise Law, 1898;

(2) They extend to the Cantonments of Mhow and Neemuch and to the Cantonment and Civil Lines of Nowgong, respectively; and

(3) They shall come into force on the 19th March, 1898.



CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—1.—(b) Special Local Laws—*contd.*The Mhow, Neemuch, and Nowgong Excise Law, 1898—*contd.*

Definitions.      2. (1) In this law, unless there is anything repugnant in the subject or context,—

- (a) "Cantonment Magistrate" means the Cantonment Magistrate of Mhow, Neemuch or Nowgong, as the case may be ;
- (b) "tari" means the sap of any kind of palm tree ;
- (c) "fermented liquor" means malt liquor, wine, pachwai and fermented tari, and shall, in any provision of this law, if the Agent to the Governor General in Central India, subject to the control of the Governor General in Council, so directs, include any other fermented liquor, and also tari, though it may not have perceptibly begun to ferment ;
- (d) "spirit" means any liquor containing alcohol obtained by distillation ;
- (e) the expression "intoxicating drugs" means ganja, bhang, charas and every preparation and admixture of the same ;
- (f) "tola" means a weight of one hundred and eighty grains Troy.
- (g) "ser" means a weight of eighty tolas.
- (h) "import" means to bring into any of the places to which this law extends, from any place beyond the limit of such places respectively ;
- (i) the articles next hereinafter mentioned shall be deemed to be sold "retail" when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say—

foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles ;

country spirit, one ser ;

country fermented liquor, four sers ;

bharg or any preparation or admixture thereof, twenty tolas ;

ganja or charas, or any preparation or admixture thereof, five tolas ;

if sold in larger quantities, they shall be deemed to be sold "wholesale."

(2) In any case in which doubt arises, the Agent to the Governor General in Central India may decide what, for the purposes of this law, shall be deemed to be "country spirit," "country fermented liquor," "foreign spirits" and "foreign fermented liquor"; and his decision shall be binding on the Courts.

3. No person shall construct, work or possess a distillery, still or brewery, or Manufacture of spirit and manufacture fermented liquor, except under a license liquor without licence prohibited. granted by the Cantonment Magistrate and in accordance with the conditions (if any) contained therein.

Duty on spirit and fermented liquor.  
section 3 until—

4. No spirit or fermented liquor shall be removed from any distillery, still or brewery licensed under

- (a) such duty as the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, may from time to time fix in respect of such spirit or fermented liquor, has been paid ; or
- (b) a bond for such duty has been executed.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*contd.***

Power to make rules as to 5. The Agent to the Governor General in Central distilleries and breweries. India may from time to time make rules as to—

- (a) the granting of licenses for distilleries, stills and breweries under section 3;
- (b) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues work;
- (c) the size and description of the stills;
- (d) the storing and passing out of the spirit made in such distillery or of the fermented liquor made in such brewery and the contents of the passes;
- (e) the inspection and examination of such distillery or brewery, and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein; and
- (f) the furnishing of statements of the spirit and the stills, coppers, casks, and other utensils in such distillery, or of the fermented liquor and the mashtuns, under-backs, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery.

6. (1) No person shall prepare any intoxicating drug except under a license granted by the Cantonment Magistrate and in accordance with the conditions (if any) contained therein.  
Preparation of intoxicating drug without license prohibited.

(2) The Agent to the Governor General in Central India may from time to time make rules to regulate the grant of licenses under sub-section (1).

7. No spirit, fermented liquor or intoxicating drug shall be sold except under a license granted by the Cantonment Magistrate and in accordance with the conditions (if any) contained therein:  
Sale of spirit, fermented liquor or intoxicating drugs without license prohibited.

Provided as follows:—

- (a) Nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf, or on behalf, of his representatives in interest, upon his quitting the station or after his decease.
- (b) Any person making or producing country spirit or country fermented liquor or preparing intoxicating drugs, in accordance with the provisions of this law, may, subject to any rules from time to time made by the Agent to the Governor General in Central India in this behalf sell such spirit, liquor or drug to any person licensed under this law, as a retail vendor of such spirit, liquor, or drug.

8. (1) Subject to any rules made by the Agent to the Governor General in Central India under this Law, the Cantonment Magistrate may grant licenses for the sale of foreign spirit or foreign fermented liquor, whole-sale or retail, and for the retail sale of country spirit or country fermented liquor and of intoxicating drugs.  
Licenses for sale of spirit, fermented liquor and intoxicating drugs.

(2) Any license granted under this rule may be cancelled by the Cantonment Magistrate for any cause specified therein.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*contd.***

9. (1) Whenever the Cantonment Magistrate considers that the license of a vendor of country spirit, country fermented liquor, or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Agent to the Governor General in Central India directs.

(2) On the expiration of such notice or the payment of such additional compensation, the Cantonment Magistrate may cancel the said license.

10. (1) Any retail vendor licensed under this law may surrender his license on the expiration of one month's previous notice given by him to the Cantonment Magistrate of his intention to surrender the same and on payment of such sum, not exceeding the amount of the license fee for six months, as the Cantonment Magistrate may fix in this behalf.

(2) If the Cantonment Magistrate is satisfied that there is sufficient reason for surrendering a license, he may remit the sum so fixed.

11. (1) The Cantonment Magistrate, with the sanction of the Agent to the Governor General in Central India, may let in farm—

- (a) the fees leviable on licenses for the retail sale of any description of country spirit or country fermented liquor or of intoxicating drugs;
- (b) the right to manufacture country spirit or country fermented liquor;
- (c) the right to prepare intoxicating drugs.

(2) When the fees so leviable, or the right to manufacture such spirit or liquor, or the right to prepare such drugs, are or is let in farm, singly or together, as the case may be, the farmer may, subject to such reservations or restrictions as the Cantonment Magistrate, with the sanction of the Agent to the Governor General in Central India, may from time to time make or impose, grant licenses for the retail sale, or for the manufacture, or preparation, singly or together, as the case may be, of such articles within the local limits of his farm, and shall file in the office of the Cantonment Magistrate a list of all the licenses granted by him in such form and on such days as the Agent to the Governor General in Central India may from time to time prescribe in this behalf.

12. The Cantonment Magistrate, with the sanction of the Agent to the Governor General in Central India, may cancel any farm granted under this law.

13. If any farm granted under this law is cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses is made or imposed within the term of such farm, the farmer shall be entitled to receive for any loss which he sustains thereby, such compensation as the Agent to the Governor General in Central India may determine.

14. The Agent to the Governor General in Central India may from time to time make rules to regulate the mode in which power to make rules as to supply of tari to licensed vendors. tari shall be supplied to licensed vendors of the same.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.(b) Special Local Laws—*contd.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*contd.***

15. (1) No person shall have in his possession any quantity of any spirit or fermented liquor or intoxicating drug larger than that specified in section 2, sub-section (1), clause (2), in respect of such spirit, liquor or drug, unless he is permitted to manufacture or sell the same by, or holds a pass therefor from, the Cantonment Magistrate.

(2) Nothing in this section extends to—

(a) any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouseman as such, or purchased by any person for his private use and not for sale; or,

(b) tari intended to be used for the manufacture of gur or molasses.

16. No person shall import any country spirit or country fermented liquor or intoxicating drugs until he has obtained a pass therefor from the Cantonment Magistrate, and has paid in respect thereof such duty at such time and place and in such manner as the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, may from time to time prescribe :

Provided that any farmer to whom a farm to manufacture or prepare such spirit, liquor or drug has been granted under section 11, shall be entitled to import any article included in his farm free of farther charge, and that the agent of such farm or any person licensed by such farmer under section 11, sub-section (2), shall be entitled to import any article included in such farm or license, as the case may be, free of charge on a pass granted by such farmer.

17. The Cantonment Magistrate may recover any amount due to the Government under this law, or the rules thereunder, by distress and sale of the moveable property of the person from whom such amount is due, or of his surety, or by any other process for the time being in force in British India for the recovery of arrears of land-revenue due from landholders or from farmers of land or their sureties.

18. Any Magistrate or Police-officer not below the rank of a Sub-Inspector may enter and inspect at any time, by day or by night, the shop or premises in which any manufacturer or vendor licensed under this law carries on the manufacture of country spirit or the sale of country spirit, country fermented liquor or intoxicating drugs.

19. Any Police-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this law, and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it, and may also arrest the person in whose possession such spirit, liquor or drug is found.

20. Any Policesofficer in charge of a station or of or above the rank of head-constable may arrest any person having in his possession any article liable to confiscation under this law or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*contd.***

21. Whenever any Police-officer in charge of a station or of or above the rank of head-constable has reason to believe, from information given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this law is kept or concealed, such officer may, after sunrise and before sunset, enter into such place, and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article, and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

22. The Cantonment Magistrate may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing or from the proceedings in any other case under this or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this law.

23. (1) The Cantonment Magistrate may issue his warrant for the search of any place in which he has reason to believe, either from information in writing or from the proceedings in any other case under this or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this law is kept or concealed.

(2) Such warrant may be executed by any Police-officer in charge of a station or of or above the grade of head-constable at the time and in the manner prescribed in section 21.

(3) Whenever the Cantonment Magistrate thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorising the search to be so made. Such warrant may be executed by any Police-officer as aforesaid in the manner prescribed in section 21, and shall cease to be in force at sunrise on the day next following.

24. Whenever a Police-officer arrests any person, or seizes any article liable to confiscation under this law, or enters any place for the purpose of searching for any such article, he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure, or search to his official superior, and shall with all convenient despatch take the person arrested or the article seized to the Cantonment Magistrate.

25. (1) The Cantonment Magistrate may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this law. The officers so appointed shall, in addition to their ordinary designation (if any), be styled Excise-officers, and shall be invested with such of the powers of a Police-officer under this law as the Agent to the Governor General in Central India may prescribe.

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be a Police-officer within the meaning of this law.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*contd.***

Penalty for illegal manufacture  
or preparation.

26. (1) Whoever,—

(a) in contravention of section 3, constructs, works or possesses a distillery, still or brewery, or makes fermented liquor ; or

(b) in contravention of section 6, prepares any intoxicating drug ;

shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) All spirit and liquor made in contravention of section 3, and any intoxicating drug prepared in contravention of section 6, and all materials and implements collected for the purpose of such manufacture or preparation shall be liable to confiscation.

Penalty for illegal removal or  
import.

27. (1) Whoever,—

(a) in contravention of section 4, or of any rule made under section 5, removes any spirit from a distillery or any fermented liquor from a brewery, or

(b) in contravention of section 16, imports any spirit or fermented liquor or intoxicating drug,

shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) All such spirit or fermented liquor or intoxicating drug, together with the vessels containing the same, and any animals and conveyances used in carrying it, shall be liable to confiscation.

28. Whoever, except in cases hereinafter otherwise provided for, wilfully contra-

Penalty for contravention of other  
rules under section 5.

venes any rule made under section 5, shall be punishable with fine which may extend to one hundred rupees.

29. Whoever, in contravention of section 7, sells any spirit, fermented liquor or intoxicating drug, shall be punishable with

Penalty for illegal sale.  
imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

30. Whoever, being licensed to sell retail spirit, or fermented liquor or intoxicating drugs, permits drunkenness, riot or gam-

Penalty for permitting drunken-  
ness, riot or gaming, etc., in shop.

ing in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punishable with fine which may extend to two hundred rupees.

31. Whoever possesses any spirit or liquor or intoxicating drug in contravention

Penalty for illegal possession.

of section 15, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both ; and the spirit or liquor, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*contd.***

32. Whoever, holding a license or pass under this law, refuses to produce the same on the demand of any Police-officer, and whoever commits a breach of any rule made under this law or of any condition of a license granted thereunder, for the breach of which rule or condition no other penalty is provided by this law, shall be punishable with fine which may extend to fifty rupees.

Penalty for refusing to produce pass, etc.

33. (1) Whoever, being the owner or occupier of land or the agent of any such owner or occupier, authorizes, or connives at, the illegal manufacture of spirit or the preparation of intoxicating drugs, or the illegal sale of spirit or fermented liquor or intoxicating drugs, shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

Penalty for conniving at illegal manufacture or sale.

(2) Whoever, being invested with local jurisdiction, authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction, shall be punishable with fine which may extend to five hundred rupees.

Penalty for vexatious search, seizure or arrest.

34. Whoever, being a Police-officer,—

(1) without reasonable grounds of suspicion, searches, or causes to be searched, any place, or

(2) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this law, or

(3) vexatiously and unnecessarily arrests any person, or

(4) commits any other excess not required for the execution of his duty,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

35. Whoever, being a Police-officer, in contravention of section 24, neglects to report the particulars of any arrest, seizure or search, or delays taking to the Cantonment Magistrate any person arrested or any articles seized under this law, shall be punishable with fine which may extend to two hundred rupees.

Penalty for neglecting to report arrest, etc.

36. No Court shall take cognizance of any offence punishable under this law, unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Prosecutions restricted.

37. Whoever attempts to commit any offence punishable under this law, or abets, within the meaning of the Indian Penal Code,<sup>1</sup> the commission of any such offence shall be punishable with the punishment provided for such offence.

Attempts and abetment.

<sup>1</sup> See s. 108 of the Code, which is in force in this Cantonment in virtue of Notification No. 5022-I., dated the 24th December 1891, printed, *supra*, p. 97. For the Code, see General Acts, Vol. I, Ed. 1898, p. 240.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—1.(b) Special Local Laws—*conold.*****The Mhow, Neemuch and Nowgong Excise Law, 1898—*conold.***

38. Any Magistrate before whom any person is convicted of any offence under section 26, 27, 28, 29, 31, or 33 may award to any person who has contributed in any way to such conviction, the whole or any portion of any fine imposed upon the offender and paid by him or realised from his property.

39. Any article liable to confiscation under this law may, on the application of Cantonment Magistrate to order a Police-officer, be confiscated by the order of the Cantonment Magistrate.

40. The Cantonment Magistrate shall, in all executive proceedings under this Control of Agent to Governor law, be subject to the control of the Agent to the General. Governor General in Central India, and all executive orders passed by the Cantonment Magistrate thereunder shall be appealable to the Agent to the Governor General in Central India.

41. The Agent to the Governor General in Central India, with the previous Further power for Agent to Gov- sanction of the Governor General in Council, may ernor General to make rules. from time to time makes rules—

- (1) as to the period for which any license or farm under this law shall be granted ;
- (2) as to the fee payable for any such license or farm and the time or times at which it shall be payable ;
- (3) as to the security to be given by any licensee or farmer under this law ;
- (4) as to the form of any license or farming lease, and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein ;
- (5) as to the disposal of things confiscated under this law ;
- (6) as to the duties of Police-officers for the purpose of this law ; and
- (7) to provide generally for carrying out the provisions of this law.

42. The Agent to the Governor General in Central India, with the previous Power for Agent to Governor sanction of the Governor General in Council, may General to exempt articles and per- from time to time, by Notification in the *Gazette of India*, exempt, within any specified area, any sons. of *India*, exempt, within any specified area, any specified articles or any specified class of persons from all or any of the provisions of this law, and may, by a like Notification, cancel or vary any such exemption.

[See *Gazette of India*, 1898, Pt. I, p. 269.]

**Application of the Rules under the Arms Act, 1878, to Mhow Neemuch and Nowgong.**

No. 2463-I.A., dated the 25th August, 1899.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the orders published in the Notification of the Government of India in the Home Department,<sup>1</sup> No. 518, dated the 6th March, 1879, so far as they are applicable, shall be applied in the Cantonments of Mhow and Neemuch and in the Cantonment and Civil Lines of Nowgong.

[See *Gazette of India*, 1899, Pt. I, p. 787.]

<sup>1</sup> See *Gazette of India*, 1879, Pt. I, p. 141.



CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—BRITISH-MHOW CANTONMENT ENACTMENTS.****2.-Local Rules and Orders under Acts of the Governor General in Council locally applied.**

Order under the Cattle Trespass Act, 871 (I of 1871).

*No. 6343, dated the 8th September, 1898.*—In exercise of the powers conferred by section 26 of the Cattle Trespass Act<sup>1</sup> (I of 1871) as applied to the Cantonment of Mhow by the Notifications of the Government of India in the Foreign Department, <sup>2</sup>No. 5022-I., dated the 24th December, 1891, and <sup>3</sup>No. 970-I., dated the 20th March, 1895, the Agent to the Governor-General in Central India is pleased to direct, in respect to the said Cantonment, that the first portion of the said section shall be read as if it had reference to cattle generally instead of to pigs only.

[See *Gazette of India*, 1898, Pt. II, p. 1025.]

Order under the Indian Registration Act, 1877, as to formation of district, etc.

*No. 1368-I., dated the 25th April, 1890.* —I. With reference to sections 4, 5, 6, 7 and 8 of the Indian Registration Act (III of 1877),<sup>4</sup> as applied to the Cantonment of Mhow, the Governor General in Council is pleased to make the following orders:—

- (1) All powers and duties conferred and imposed by the Act upon the Inspector-General of Registration shall be exercised and performed within the Cantonment of Mhow by the Agent to the Governor General in Central India for the time being.
- (2) For the purposes of the Act the Cantonment of Mhow shall form a district and also a sub-district.
- (3) The Cantonment Magistrate at Mhow, for the time being, shall be the Registrar and Sub-Registrar of the said district and sub-district, respectively.
- (4) The office of the Cantonment Magistrate at Mhow, for the time being, shall be the office of the Registrar and Sub-Registrar.
- (5) The First Assistant to the Agent to the Governor General in Central India, for the time being, shall be Inspector of Registration Offices for the Cantonment of Mhow.

II. The Notification of the Government of India in the Foreign Department, No. 158-J., dated the 14th August, 1874, is hereby cancelled in so far as it was applicable to the Cantonment of Mhow.

[See *Gazette of India*, 1890, Pt. I, p. 259.]

<sup>1</sup> Printed, General Acts, Vol. II, Ed. 1898, p. 183.

<sup>2</sup> Printed, *supra*, p. 97.

<sup>3</sup> See *Gazette of India*, 1895, Pt. I, p. 216.

<sup>4</sup> Printed, General Acts, Vol. III, Ed. 1898, p. 41.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877.**

*No. 1466, dated the 8th April, 1890.*—The following rules made under section 69 of the Indian Registration Act (III of 1877), as applied to the Cantonments of Mhow, Neemuch, Nowgong and Sipri,<sup>1</sup> and the Residency Bazaars at Indore, and approved by the Governor General in Council, are hereby published as required by that section.

2. The Notification of the Government of India in the Foreign Department No. 206-J., dated the 24th November, 1874, is, by direction of the Governor General in Council, hereby cancelled.

1. In these rules, unless there is something repugnant in the subject or context,—

“section” means a section of the Indian Registration Act, III of 1877.

“Form” means a form set out in the appendix to these rules.

2. The languages deemed to be commonly used in the Cantonments of Mhow, Neemuch, Nowgong and Sipri<sup>1</sup> and the Residency Bazaars at Indore, shall be English and Urdu.

3. The holidays to be observed in each registration office shall be only those for the time being prescribed for all public offices.

4. The hours during which documents shall ordinarily be received for registration are from 10 A.M. to 4 P.M. daily, Sundays and holidays excepted.

5. Almirahs or suitable boxes, fitted with English locks, shall be provided in each Registration Office for the safe custody of the office books, records and seal, which shall be therein kept; the key shall be in the custody of the head of the office for the time being. Each office shall also be supplied with an iron safe for the deposit of Wills and for such other purposes not inconsistent with rule as may seem fit to the Registrar, who shall retain the keys of the safe in his own custody.

6. The following books shall be kept in each Registration Office :—

(a) The registers and record prescribed by section 51.

(b) The indexes prescribed by section 55 (Forms VII, VIII, IX).

(c) Register of powers-of-attorney authenticated under section 33 (Form X).

(d) Fee Book.

(e) Cash Account Book.

(f) Minute Book.

(g) Book of Receipt Forms.

(h) File Book of all applications received and disposed of.

7. All documents presented for registration shall have reserved at foot of them, or on the reverse side, a blank space of not less size than one side of a half sheet of foolscap paper, on which to record registration endorsements, and no document on which such space has not been reserved shall be registered without the orders of the Inspector General in each case.

### CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

#### **B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.***

##### **Rules under section 69 of the Indian Registration Act, 1877—*contd.***

shall forthwith, with his own hand, make on it an endorsement in Form I. He shall next examine it and ascertain—

- (1) whether it is duly stamped, *i.e.*, whether it is stamped with a stamp of the value and description required by law when the instrument was executed ; and
- (2) whether under sections 28 and 29 it can be registered in his office.

If he considers the stamp used incorrect or insufficient, he shall proceed as prescribed in Rule 9.

If the document has been presented in the wrong office, he shall proceed as prescribed in Rule 10.

9. (1) If the Registering Officer considers that a document is not duly stamped, he shall suspend registration proceedings, impound the document, and forward it to the Collector of Stamp Duty, endorsing on the document the date of its being impounded. When proceedings are suspended under this rule, a note should be made in the Minute Book, and when the person who presented the document returns it, or causes it to be returned to the Registering Officer with the certificate of the Collector duly endorsed on it, he shall, provided the time of presentation prescribed by or under sections 23 to 26 has not elapsed, resume proceedings from the stage at which he suspended them.

(2) If a document dutiable under the Court-fees Act<sup>1</sup> (VII of 1870), be considered insufficiently stamped, it shall be returned to the party presenting it. The procedure to be followed in this case shall be that prescribed in Rule 12.

10. If a document is presented in the wrong office, an endorsement shall be made on it in Form XI and signed by the Registering Officer. It shall then be returned to the party presenting it, and an entry to this effect shall be made in the Minute Book.

11. For every document presented for registration, and not returned under Rule 10 or Rule 12, a receipt in Form XIV shall be forthwith given. The Registering Officer shall next examine the document, and ascertain whether or not it fulfils the requirements of law as to registration. If he finds the document correctly drafted, he shall levy fees as directed by Rule 46, and order a copy of it to be made in the appropriate register. If he finds it incorrectly prepared, he shall return the document for correction or amendment, as provided for in Rule 12, unless such correction or amendment appears impracticable, in which case registration shall be refused.

12. (1) In the following cases documents may be returned for amendment, correction or supply of omissions :—

(a) If the document, not being in the language commonly used in the Cantonment or Bazaars, as the case may be, is not in a language understood by the Registering Officer, and is unaccompanied by a true translation and a true copy, as required by section 19.

(b) If the document contains an interlineation, blank, erasure or alteration, which has not been attested with his signature or initials by the person executing the document.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

(c) If the description of immoveable property given in the document is not sufficient for the identification of such property as required by section 21.

[NOTE.—It shall ordinarily be held a sufficient description of territorial division under the said section 21, if the full name of the village, of the tahsil and of the district in which the property is situate be stated in the document, or, if the property be situate in more than one village, tashil or district, then the names of all such villages, tahsils, or districts.]

(d) If the document contains a map or plan of which no copy or copies has or have been filed, as required by section 21, clause (c).

(2) In the above cases, prior to return, the document shall be endorsed as required by Form XII, and an entry shall be made in the Minute Book. This entry shall contain the names of the obligor and obligee, the date of execution of the document, its nature, the date of the presentation and of return, and the reason for the return, with the period allowed for the amendment or correction.

13. The Registering Officer shall personally, and not through his Muharir, enquire into the identity of persons not previously known to him who appear before him in connection with documents presented for registration, or the authentication of powers-of-attorney under section 33. He shall require identification in such cases by persons known to himself, or satisfy himself by the evidence of persons in public positions or of known respectability, such as Patels, Patwaris, Officers of the Courts, Pleaders, and the like.

14. (1) An oath shall ordinarily be administered under section 63 only when the Registering Officer doubts the truth of statements made by persons before him, but it shall be administered in every case in which fraud is suspected or alleged.

(2) The substance of statements made on oath shall be recorded, in the manner prescribed by section 63, in the Minute Book, and the fact of evidence having been so recorded shall be endorsed by the Registering Officer on the document according to Form II (b).

15. In cases in which it is necessary to enforce the appearance of executants or witnesses under sections 36 to 39, or to make visits or issue commissions under section 33, or to allow time for persons to appear without service on them of process, the Registering Officer shall record in the Minute Book the cause of the delay in completing registration or refusing registration, as the case may be, with the date fixed for appearances or resumption of proceedings, and the serial number of the document.

16. Should default be made in presenting a document returned under Rule 12, or in appearing when time has been allowed under Rule 15, and it appears inadvisable to extend the order previously made in the matter, the Registering Officer may refuse registration.

17. The reasons for refusal to register, which shall be recorded in Book No. 2, are the following :—

(a) *vide* Rule 9 (2) and Rules 11, 12, 16 and 25 :

(b) that the document has not been presented by a person executing or claiming under it, or by his representative or assign, or by an agent of any of them duly authorised by power-of-attorney executed and authenticated under section 33 (section 32) :

CHAPTER III.—II(!)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

(c) that the alleged representative, assign, or agent has failed to prove his status (section 34) :

(d) that presentation of the document is time-barred under sections 23 to 26—*vide* Rule 33 :

(e) that appearance of persons executing documents, or their representatives, assigns, or agents authorised under section 33, has not taken place within the time allowed by section 34—*vide* Rule 33 :

(f) that execution is not admitted, or that the person by whom the document purports to be executed appears to be a minor, an idiot, or a lunatic, or that he is dead, and his representative or assign denies execution, or that the identity of persons has not been established to the satisfaction of the Registering Officer, or that the death of the person alleged to have executed a document, and who does not appear, has not been proved (section 35) :

(g) that the document has not space left blank for entry of endorsements, as required by Rule 7 :

(h) that the document is not stamped in accordance with the provisions of the Indian Stamp Act (I of 1879),<sup>1</sup> or the Rules framed under that Act, and, having been impounded, has been returned by the Collector of Stamp Revenue, who has not, by his certificate made under clause (a) of section 37 of that Act, rendered the document admissible for registration :

(i) that fees and costs of registration, having been demanded under section 80, have not been paid.

18. The record of the reasons shall be made in Book No. 2 at the time the refusal to register is decided on ; and on the document the words " Registration refused," with the date and the signature of the refusing officer and the title of his office, shall alone be endorsed. This endorsement shall be sealed.

19. Registration shall not be refused on the ground that any person executing or claiming under the document is unwilling that it shall be registered, or that want or failure of full consideration or denial of execution with free consent (as defined in section 14 of the Indian Contract Act, IX of 1872),<sup>2</sup> is pleaded by the obligor under the document, although he admits execution : Provided that the terms of the deed shall be clearly explained to the parties, and whenever any such plea as above indicated is raised or any objection is taken to the terms of the document, the fact is to be recorded by the Registering Officer in an endorsement in Form II (e). The case of refusal to sign endorsements is provided for in section 58.

20. When the parties mentioned in section 34 are present at the time of the presentation of a document for registration, and the enquiry directed by that section can be made, the procedure under section 58 need not be delayed till the document has been copied under Rule 11, but the certificate under section 60 should not be endorsed till then. Endorsements made under section 58 shall be

<sup>1</sup> Act I of 1879 is in force in these Cantonments and the Indore Residency in virtue of Notification No. 1366-I., dated the 25th April, 1890, printed, *supra*, p. 82. The Act is repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

<sup>2</sup> Act IX of 1872 has been applied to these Cantonments by Notification No. 5022-I., dated the 24th December, 1891, printed, *supra*, p. 97, but has not been applied to the Indore Residency Bazaars.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

in Form II (a), (b), (c), (d), or (e), or Form III, as the case may require, and endorsements made under section 60 shall be in Form IV.

21. All endorsements made on documents shall at the time of their being made be copied into the margin of the page or pages of the book into which the document has been copied, and in successive order, and at foot of the last endorsement so copied the value of the stamp paper used for, or, of the adhesive Court-fee stamp affixed to, the document, shall be recorded. The amount of the ordinary, extraordinary and copying fees levied on the document by the Registering Officer shall be recorded below the value of the stamp paper or stamp; and the Registering Officer shall sign the entry.

22. Errors, erasures, interlineations, etc. in the original document shall be copied in the Register Book *exactly* as they appear in the document. A note shall be made in the margin of the book explanatory of such errors, etc., and in the following manner:—

In the case of interlineations, additions or misspelling by a single mark × in ink over the defect, with a similar mark × and the word “sic” with the initials of the Registering Officer in the margin of the book. In the case of an erasure, by two marks × ×, one at each end of the erasure, with similar marks and the word “erasure” with the initials of the Registering Officer in the margin of the book.

23. The Registering Officer shall authenticate each copy made into a register by initialling it at the four corners. This is in every case to be done prior to the return of the document to the person who presented it or claims it; and prior to so initialling, the Registering Officer shall examine the copy made, and should he find that any error has been made in copying, he shall cause the error to be corrected and affix to it his initials; should an interlineation or erasure be necessary, he shall affix his initials to both ends of the same.

24. The entries made into the registers shall be serially numbered, and the numbering shall commence and terminate with the calendar year. Volumes of books shall be similarly numbered. At the end of each year, if the book in use be not completely filled, it shall not be necessary to open a new book, but a half sheet of foolscap paper shall be pasted into the book after the last entry made in the expired year, and on this shall be written the words—

Book No.—, Volume No.— of 18—.

[The next entry made will be Serial No. 1 of the year.]

25. Before registering a copy of a Court decree or order, the Registering Officer shall ascertain if it be properly certified, and is not disqualified for registration for any of the reasons mentioned in Rule 17 which may apply to it. Such a copy shall not be considered properly certified unless it has a certificate at foot of it that it is a true copy of the document or part of the document, as the case may be, dated and signed with his official title by the officer whose duty it is to grant copies, and if he is authorised or required by law to use a seal, the certificate must be sealed (section 76, Indian Evidence Act, 1 of 1872).<sup>1</sup> If the document prove not to be a properly certified copy, registration shall be refused. The only endorsements

<sup>1</sup> Printed, General Acts, Vol. II, Ed. 1898, p. 222. Applied to these Cantonments by Notification No. 5022-I, dated the 24th December, 1891, printed, *supra*, p. 97. So far as is known it has not been applied to the Residency Bazaars.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

that shall be made on certified copies of decrees or orders of Courts shall be the presentation endorsement (section 52), and the final certificate of registration (section 60) or the endorsement of refusal to register (section 71). Sections 34 and 35 do not apply to such copies.

26. After registration has been completed or refusal to register has taken place, the person who presented the document shall produce the receipt given to him for it, and the document shall then be returned to him. Should he, by endorsement made on the receipt, have authorised another person to receive the document, it shall, on delivery to the Registering Officer of the receipt so endorsed, be handed to such person. The date of the return of the document and the name of the person to whom delivered shall be endorsed on the receipt, which shall then be pasted on to the counterfoil in the receipt book. When returning a document to a person, the Registering Officer shall enquire from him the exact amount which the person who presented the document has paid as fees or costs for its registration, and ascertain whether the amount stated to have been paid corresponds with the entry in the Fee or Cash Account Book, and in the receipt; if it does not, he shall require immediate explanation from the Muharir.

27. Should a document remain unclaimed for one month from the date on which certificate of registration or refusal to register was recorded on it, it shall be entered in the "List of unclaimed documents" Form XIII. This list shall be conspicuously exposed to public view in the Registration Office. A document which has been entered in the list shall thereafter not be returned unless and until a fee for its safe custody, at the rate prescribed in the fee table, is paid by the person who presented it for registration, or by the person whom he may have authorised, under Rule 26, to claim it. For instructions relative to the eventual destruction of unclaimed documents, *vide* Rule 45.

28. (1) When under section 39 of the Specific Relief Act (I of 1877)<sup>1</sup> a Court sends to a Registering Officer copy of a decree directing cancellation of a registered document, the Registering Officer shall note the following particulars across the copy of the document in the book:—

- (a) Court of \_\_\_\_\_.
- (b) Suit No. \_\_\_\_\_ of 18 \_\_\_\_\_.
- (c) Plaintiff's name \_\_\_\_\_, defendant's name \_\_\_\_\_.
- (d) The words "By decree made in the above suit and dated \_\_\_\_\_, this document was ordered to be cancelled—*vide* letter from the Judge No. \_\_\_\_\_, dated \_\_\_\_\_, filed as Serial No. \_\_\_\_\_ of 18 \_\_\_\_\_, in the File Book."

(2) The Registering Officer shall then sign and date the entry so made, noting below his signature the designation of his office.

(3) When a Court has, under section 31 of the same Act, ordered rectification of a registered document, and fresh registration is sought by the parties executing

<sup>1</sup> The Specific Relief Act (I of 1877), was applied to these Cantonments by Notification No. 5022-I., dated the 24th December 1891, as amended by Notification No. 4561-I.B., dated the 22nd December, 1897, printed, *supra*, p. 97.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877 —*contd.***

or claiming under such document, a note shall be written across the original entry in the book and be thus made :—

For copy of this document which has been rectified, *vide* Serial No. \_\_\_\_\_  
Volume \_\_\_\_\_, Book No. \_\_\_\_\_ for 18\_\_\_\_.

Date \_\_\_\_\_.

\_\_\_\_\_  
*Signature of Registering Officer,*

*Official designation.*

29. Every copy of a certificate or order received by a Registering Officer under section 89 shall be pasted into Book No. 1, and an endorsement in the following form shall be made on the margin of the page on which it is pasted, *viz.* :—

This copy of a certificate [*or order*] granted under \_\_\_\_\_ (*the Act in question*) was received from \_\_\_\_\_ (*the Officer or Court*), and filed under section 89 of the Indian Registration Act, 1877, on the \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
*Signature and official title*

*of the Registering Officer.*

30. (1) Copies prepared in compliance with section 65 or section 66 shall be written on whole sheets of foolscap paper.

(2) Postal charges for copies of documents made under section 65 or section 66 shall not be levied: the fees charged shall be held to cover all expenses, and the postage must be paid by the Registering Officer in service stamps.

31. The District Registrar shall give a receipt in Form XIV for each Will contained in a sealed cover which is deposited with him.

32. Fines for late presentation (section 24) and late appearance (section 34) shall be regulated by the scale given below. In calculating the time when the period begins to run, it must be borne in mind that the words "from the date" and "and from the day" used in section 23 exclude from the period the date of the execution of the document, and the day on which the decree or order of the Court was made or became final, as the case may be [*vide* section 3, clause (2), of the General Clauses Act, (I of 1868) <sup>1</sup>]:—

*Scale.*

- (a) Where the delay does not exceed a month, a fine of twice the amount of the proper registration fee.
- (b) Where the delay exceeds one month, but does not exceed two months, a fine of four times the amount of the proper registration fee.
- (c) Where the delay exceeds two, but does not exceed three months, a fine of six times the amount of the proper registration fee.

<sup>1</sup> The General Clauses Act, I of 1868, has not been applied to any of the places to which these rules apply. It is now repealed in British India by Act X of 1897, printed, General Acts, Vol. VI, Ed. 1898, p. 316.



### CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

#### B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*

##### Rules under section 69 of the Indian Registration Act, 1877—*contd.*

(d) Where the delay exceeds three, but does not exceed four months, a fine of ten times the amount of the proper registration fee.

33. (1) Applications lodged under section 24 or section 34 shall be filed in the File Book of applications [Rule 6 (h)] ; and the purport of the orders passed shall be communicated to the applicant without unnecessary delay.

(2) The following particulars regarding such applications shall be entered from time to time in the Minute Book [Rule 6 (f)] :—

(a) Date of application being lodged.

(b) Date of communication of the Registrar's order to the applicant.

34. (1) Endorsements of authentication on powers-of-attorney, made under section 33, shall be made by the Registering Officer himself in Form V, clause (a), (b), or (c), as the case may require.

(2) A general but not a special power-of-attorney may have a clause added to it, in the presence of the Registering Officer, conferring on the attorney or agent the power to act for the principal under the Registration Act, and such additional clause shall then be authenticated by the Registering Officer.

35. (1) Section 57 permits any person to inspect Books Nos. 1 and 2 and the indexes belonging to Book No. 1, and to obtain copies of entries in those books. The second clause of the same section authorises the giving of copies of entries in Book No. 3 and in the index relating thereto to the executants only, or their agents, or, after the death of the executants, to any applicant ; but it does not authorise the inspection of Book No. 3. In the case of Book No. 4 the privileges are also restricted to obtaining copies, and can only be exercised by persons executing or claiming under the document, or their agents or representatives. These distinctions must be most carefully noted when applications for inspections or copies are received.

(2) All inspections shall be made in the presence of the Registering Officer. The law does not authorise the making of copies while inspecting books ; any copy required must be duly applied for in writing. In no case shall Book No. 3 or Book No. 4 be put into the hands of any person for purposes of search ; all searches necessary prior to grant of a copy of an entry in either of those books shall be made by the Registering Officer or his Muharir.

36. No one but a Muharir attached to the Registration Office shall be allowed to copy into or from the books or to prepare indexes or compile statistical returns from them :

Provided that the Registering Officer may by written order specially or generally authorise a particular copyist to make a copy or copies.

37. (1) All applications for inspection or copies shall be made in writing.

(2) On each application shall be entered the date of its receipt, the date on which it was complied with, and the mode of compliance, with the amount of fees paid in connection with it. It shall then be filed [*vide* Rule 6, clause (h)] and be given a serial number in the file.

(3) If any application is not complied with, the reasons for non-compliance should be endorsed on the application, which should be returned to the presenter. A copy of such reasons should be entered in the Minute Book [Rule 6 (f)] .

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2-Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

38. Receipts shall be given for all applications received and fees paid for copies, and a note shall be made on the receipt specifying the probable date on which the copy will be ready for delivery. The provisions of Rule 26 shall, *mutatis mutandis*, apply to receipts given under this rule.

39. Applications for copies of reasons for refusal to register shall be in writing. These copies shall be given immediately on receipt of the application, and the application shall be treated as prescribed in Rule 37 (2).

40. All Registering Officers granting copies shall certify and seal them in the manner described in Rule 25. This rule applies to all copies, of whatsoever description, which may be prepared in the Registering Office.

41. (1) Indexes Nos. I, II, III and IV shall be prepared in Forms VII, VIII, and IX, respectively.

(2) In the case of certified copies of decrees and orders of Courts, particulars of which fall to be entered in Index No. I or Index No. IV, the names of plaintiffs and defendants, appellants and respondents, petitioners and opposite parties, shall be the names recorded.

(3) Indexes shall be prepared alphabetically, and entries therein shall be made immediately the document has been copied, or the memorandum has been filed. The filling in of index entries is not to be deferred pending completion of registration or refusal to register.

(4) The first letter of the name of the person, if a native of India, and of the surname in the case of Europeans, shall be the guide to the letter under which the entry is made.

42. Index forms will be supplied in loose sheets, and as they are filled in shall be tacked together; and at the end of each year, after careful examination to ascertain whether or not the sheets are in alphabetical order, they shall be bound in book form, and permanently retained in the Registration Office. Separate sheets of indexes shall not be used for each month; but when a sheet has had an entry made in it, entries coming under the same letter of the alphabet shall continue to be made on that sheet till it be filled, when a fresh sheet shall be added to it, and so on till the close of the year.

43. Books Nos. 1, 2, 3 and 4, Registers of Powers-of-Attorney and Minute Books shall be preserved in perpetuity.

44. (1) The books mentioned in clauses (d), (e), (g) and (h) of Rule 6, when filled in, and bearing a last date three years back, may, under the orders of the Registrar, but not otherwise, be destroyed in the month of January annually.

(2) Routine correspondence of an ordinary character, office copies of periodical returns and statements, satisfied indent's, summonses served and commissions executed, charge reports and copies of contingent bills and vouchers, may, at the discretion of the Registrar, be ordered to be destroyed at intervals of two years.

(3) When the destruction of books, papers, etc., has been ordered under this rule, prior to such destruction being carried out, the Registrar shall prepare a list in Form XV, and after the destruction has taken place, he shall fill in the last column of the form and sign the list. The certificate of destruction shall then be filed in his office.

45. (1) When a document has been in the unclaimed list (Rule 27) for a period of 22 months, notice is to be given by letter (forwarded "service bearing")

### CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

#### B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*

##### Rules under section 69 of the Indian Registration Act, 1877—*contd.*

to both the persons who executed it and the person who presented it for registration. The date on which, and the names of the persons to whom such notice is sent, shall be endorsed on the document. This notice shall be in Form VI, and shall state that, in default of the document being claimed, and custody fees being paid within two months from date of notice, the document will be destroyed under section 85.

(2) If the document be not claimed, or custody fee be not paid, within the two months, the Registrar shall exercise his discretion and order the destruction or further retention of the document, as the case may require: Provided that in no case shall a document be kept in the unclaimed list for more than 30 months.

(3) When the destruction of an unclaimed document has been ordered, and prior to the destruction being carried out, a note shall be entered at foot of the copy of the document in the book in which it was registered, or the reasons for refusal to register it were recorded. This note shall be signed by the Registrar and be worded as follows:—

The document referred to above was destroyed before me on this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, it having been in the unclaimed list of this office from the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ due notice of intended destruction, under Rule 45, having been sent to \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, son of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

*Signature and official title  
of Registrar.*

46. (1) The fees leviable for the registration and copying of a document and the fee prescribed for copying the endorsements are payable on demand made by the Registering Officer. Such demand shall be made as soon as the Registering Officer admits the document to registration and is prepared to order it to be copied into the appropriate book under section 52.

(2) In calculating copying fees, a fraction of a folio shall be counted as a whole folio.

(3) Demand for fees on account of visits, or the issue of commissions, shall be made when application for such visit or commission is received.

47. (1) All fees paid shall be at once brought to account in the Fee Book in detail, distinguishing ordinary from extraordinary or other fees, and all moneys paid shall from time to time be entered in the receipts given for documents under these rules.

(2) The Registering Officer is held personally responsible that this rule is strictly attended to; and he shall cause the entries in the Fee Book to be totalled daily, initialling the result after checking it.

48. (1) The cash received in the Office shall be daily remitted, with a chalan to the nearest treasury, and the chalan shall be filed when returned from the treasury. Should distance render daily remittances impossible, the collections may, with the sanction of the Inspector-General of Registration, be allowed to accumulate till the total in hand reaches Rs. 50, or the month ends, whichever may first

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

occur, and shall then be chalaned to the treasury. In such cases special provision must be made (under the said sanction) for the safe custody of the cash.

(2) It shall be discretional with the Inspector General of Registration to require any Registering Officer who may not be able to make daily remittances to the treasury to furnish security under bond to such amount as may seem to him necessary for the cash which may come into the hands of the Registering Officer.

49. A copy of the fee table in English and the vernacular shall be pasted on to a board and be exposed to public view in a conspicuous place in the Registration Office, and the head of the office will be held responsible that the same is maintained in a legible condition.

## APPENDIX.

## FORM I.

*Presentation Endorsement under Section 52 [Rule 8].*

Presented between the hours of \_\_\_\_\_ and \_\_\_\_\_ (A.M., or P.M., as the case may be) on the \_\_\_\_\_ 189—, in the office of the Registrar of \_\_\_\_\_ (or at the house of A, son of B, at \_\_\_\_\_), by C, son of D. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
*Signature and addition of C.*

\_\_\_\_\_  
*Signature and official title of  
Registering Officer.*

## FORM II.

*Endorsements on documents admitted to registration under section 58 [Rule 20].*

\* If no consideration actually passes, but the instrument is simply the renewal of an old one, this fact should be stated.

(a) Execution and receipt of consideration \* (in full or in part, specifying the amount) admitted by A, son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, who is personally known to the Registering Officer. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
*Signature and addition of A.*

\_\_\_\_\_  
*Signature and official title of  
Registering Officer.*

(b) Execution and receipt of consideration (in full or in part, specifying the amount admitted by A, son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, who was identified by B, son of \_\_\_\_\_ and by C, son of \_\_\_\_\_ (if oath was administered here write who were examined on oath, and that their statements were recorded in the Minute Book—vide Rule 14), both of whom are personally known to the Registering Officer. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
*Signature and addition of B.*

\_\_\_\_\_  
*Signature and addition of A.*

\_\_\_\_\_  
*Signature and addition of C.*

\_\_\_\_\_  
*Signature and official title of  
Registering Officer.*

(c) Execution and receipt of consideration (in full or in part, specifying the amount) admitted by A, son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Agent of B, son of \_\_\_\_\_, of \_\_\_\_\_, under a power-of-attorney, dated \_\_\_\_\_, and authenticated

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.***Rules under section 69 of the Indian Registration Act, 1877—*contd.*

by \_\_\_\_\_, who is personally known to the Registering Officer [or if identified by witnesses, here enter as shown in Form II (b) above]. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
Signature and addition of A.

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

\_\_\_\_\_  
Signature and addition of  
witnesses if any.

(d) Execution and receipt of consideration (in full or in part, specifying the amount) admitted by A, son of \_\_\_\_\_, caste \_\_\_\_\_, of \_\_\_\_\_, as representative (or assign) of B, son of \_\_\_\_\_, caste \_\_\_\_\_, of \_\_\_\_\_ deceased, who has proved his status by the evidence of C, son of \_\_\_\_\_, caste \_\_\_\_\_, and D, son of \_\_\_\_\_, caste \_\_\_\_\_, of \_\_\_\_\_, who were examined on oath, their statements being recorded in the Minute Book. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
Signature and addition of A.

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

\_\_\_\_\_  
Signature and addition of the  
witnesses C and D.

NOTE 1.—In cases in which the obligor receives the consideration in the presence of the Registering Officer, in Forms II (a), (b) and (c) for the words "execution and receipt of consideration admitted by," substitute "execution admitted by and Rupees— paid [or property (specifying what property) handed] to \_\_\_\_\_ (name and addition) in the presence of the Registering Officer."

NOTE 2.—In case of refusal to sign an endorsement made under section 58 the Registering Officer should add to the endorsement a note as follows:—

"The aforesaid (name and addition) refused to sign the above endorsement."

(e) Execution admitted by A, son of B, caste \_\_\_\_\_, of \_\_\_\_\_, who is personally known to the Registering Officer [or identified by (names and additions)]. The said A [alleges that he has received no consideration, or only a part of the consideration (specify part named) for the document, or that execution of the document was obtained from him by fraud, or in any other of the invalidating ways indicated in Rule 19, or takes the following objection to the terms of the document, viz., etc. (In each case record a brief but clear, abstract, the full statements made by all parties examined being recorded in the Minute Book)] Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
Signature and addition of A.

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

## FORM III.

Endorsement on document admitted to registration under section 58, where a Commission has been issued under section 38 [Rule 20].

Execution and receipt of consideration (or as the case may be) admitted by A, son of \_\_\_\_\_ caste \_\_\_\_\_, of \_\_\_\_\_, but now in the \_\_\_\_\_ Jail under process of a Civil (or Criminal) Court [or as the case may be] on the \_\_\_\_\_ day of \_\_\_\_\_

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under section 69 of the Indian Registration Act, 1877—*contd.***

189—, as deposed to, to my satisfaction, by (*name and addition of Commissioner who examined the said A*) Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
Signature and addition of the  
Commissioner.

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

## FORM IV.

*Endorsement of certificate of registration under section 60 [Rule 20].*

Registered in Book No. \_\_\_\_\_, Volume \_\_\_\_\_, on page \_\_\_\_\_ (*or pages* \_\_\_\_\_ and \_\_\_\_\_), as Serial No. \_\_\_\_\_ of 189\_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_ 189—.

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

Seal.

## FORM V.

*Endorsements on Powers-of-Attorney authenticated by a Registering Officer under section 33 [Rule 34].*

(a) Executed in my presence on this \_\_\_\_\_ day of \_\_\_\_\_ 18—, by \_\_\_\_\_, son of \_\_\_\_\_ caste \_\_\_\_\_, of \_\_\_\_\_, whose identity was proved by the evidence of \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, son of \_\_\_\_\_, (*if oath was administered, here write that the parties were examined on oath, and that their statements were recorded in the Minute Book—vide Rule 14, and recorded as No. \_\_\_\_\_ of 18—*.)

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

Seal.

(b) Having visited and examined the principal (*name and addition*) at his (*or her*) residence at \_\_\_\_\_, I am satisfied that this power-of-attorney has been voluntarily executed by him (*or her*), and I accordingly authenticate it under section 33 of the Indian Registration Act, 1877, and record it as No. \_\_\_\_\_, for 18—, on this \_\_\_\_\_ of \_\_\_\_\_ 18—.

\_\_\_\_\_  
Signature and official title of  
Registering Officer.

Seal.

(c) From the report made by (*name and addition*), who was appointed Commissioner to enquire into the voluntary execution of this power-of-attorney by (*name and addition*), I am satisfied that it has been voluntarily executed by the said (*name only*), and I accordingly authenticate it under section 33 of the Indian Registration Act, 1877, and record it as No. —, for 18—, on this \_\_\_\_\_ III of day of \_\_\_\_\_ 18—.

\_\_\_\_\_  
Signature and Official title of  
Registering Officer.

Seal.

## CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

### B.—British-Mhow Cantonment Enactments—2-Local Rules and Orders under Acts—*contd.*

#### Rules under section 69 of the Indian Registration Act, 1877—*contd.*

##### FORM VI.

##### *Notice of intended destruction of a document [Rule 45].*

Notice is hereby given to you (*name and addition of the person who executed the document or the person who presented it for registration, as the case may be*) that unless you, within two months from the date of this notice, claim and pay custody fees for the (*here briefly state the nature of the document*), dated \_\_\_\_\_, executed by (*name and addition*) (or presented for registration by) (*name and addition*) and which has lain unclaimed in the (*name of office*) since the (*date of entry in the unclaimed list*), the said document will, on the expiration of the said two months, be destroyed under section 85 of the Indian Registration Act, 1877.

\_\_\_\_\_  
*Signature of Registrar.*

*Date in writing and figures.*

##### FORM VII.

##### *Indexes Nos. I and IV [Rules 6 and 41].*

- (1) Names and fathers' names of executants and claimants.
- (2) Trade, profession or caste of the above.
- (3) Town, or village, tahsil and district in which the above resides.
- (4) Interest or liability under the documents or memoranda (*vendor or vendee, mortgagor or mortgagee, plaintiff or defendant, and the like*).
- (5) Serial number given to, with the year, book, volume, and page of the entry of, the document.

##### FORM VIII.

##### *Index No. II [Rules 6 and 41].*

- (1) Name of the town or village and tahsil in which the immoveable property is situate, and if in a town, the name of the street if it has a name.
- (2) Name of the tahsil and of the district.
- (3) Nature of the document (*as lease, deed of sale, mortgage, and so on, as the case may be*) with a specification of the consideration as therein set forth.
- (4) Serial number given to, with the year, book, volume, and page of the entry of, the document.

##### FORM IX.

##### *Index No. III [Rules 6 and 41].*

- (1) Name and father's name of executant of Will or authority to adopt.
- (2) Trade, profession or caste of the above.
- (3) Town, or village, tahsil and district in which the above resides.
- (4) Date of execution, and whether the document is a Will or authority to adopt.
- (5) Names and fathers' names of executors and persons appointed thereunder.
- (6) Names and fathers' names of persons claiming under the document ; (*to be here recorded after the death of the testator or the donor of the authority to adopt, and not before*).
- (7) Trades, professions, or castes of persons entered in column 6.
- (8) Town, or village, tahsil and district in which each person entered in column 6 resides.
- (9) Serial number in, with number of volume and page of, the Register of Wills and authorities to adopt, in which the document has been registered.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*Rules under section 69 of the Indian Registration Act, 1877—*contd.*

## FORM X.

*Register of Powers-of-Attorney authenticated under section 33 [Rule 6].*

Serial number in this register.	
Name and addition of person executing.	
Name and addition of attorney or agent appointed.	
Whether the executant is personally known to the authenticating officer, or if not, names and additions of persons by whom he was identified.	
Nature of the power, "General or Special."	
Date of authentication.	
Signature and official title of authenticating officer.	
Number of the receipt given for the fees paid, and their amount.	

## FORM XI.

*Endorsement on return of document presented in a wrong office [Rule 10].*

This document is returned to (name and addition), who presented it, as it cannot be registered in this office under either section 28 or section 29 of the Indian Registration Act, III of 1877, and he is instructed to present it without delay to the Sub-Registrar of \_\_\_\_\_, or the Registrar of the district, for registration. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

\_\_\_\_\_  
*Signature and official title of  
 Registering Officer.*

## FORM XII.

*Endorsement on document returned for amendment [Rule 12].*

Returned to (name and addition of the person who presented the document), to enable him to present with it a true copy [or, as the case may be—see Rules 9 (2) and 12], which he must do on or before the \_\_\_\_\_ day of \_\_\_\_\_ 189 . Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

\_\_\_\_\_  
*Signature and official title of  
 Registering Officer.*



CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2-Local Rules and Orders under Acts—*contd.*Rules under section 69 of the Indian Registration Act, 1877—*contd.*

## FORM XIII.

List of unclaimed documents [Rule 27].

Nature of the document.	Names of the parties to it.	Date of presentation.	DATE OF			Signature of Registering Officer.	REMOVAL FROM THIS LIST.		Signature of Registering Office
			Registration, section 69.	Refusal to register, section 71.	Entry in this list.		Date of	Reason for	

## FORM XIV.

Receipt Forms [Rules 6, 11, 26, 31, 38 and 47].

Serial No. \_\_\_\_\_ Office of the \_\_\_\_\_ Serial No. \_\_\_\_\_

Date	Fees paid.	To whom given.	Date, description, and value of document, or date and nature of application, or supercription on sealed cover received, or for which payment has been made.	Amount.	Initials of Registering Officer.	Date of return of this receipt and name of the person actually returning it.	Signature of party who returns the receipt on satisfaction of his claim under it.
Name and addition of recipient. Receipt for what Initials of Registering Officer.	R a. p.			R a. p.			

Date.

Signature and Official title of  
Registering Officer.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*~~B.—British-Mhow Cantonment Enactments—2-Local Rules and Orders under Acts—*contd.*~~Rules under section 69 of the Indian Registration Act, 1877—*contd.*

## FORM XV.

List of Books, etc., destroyed in the Office of the \_\_\_\_\_ of \_\_\_\_\_ [Rule 44.]

BOOKS.		PAPERS.		By whose order destroyed.	Mode of destruction.	REMARKS.
Names of.	Date of the last entry made in them.	General description.	For what years.			

I certify that the books and papers mentioned in the above list were destroyed in my presence on this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Signature of the Registrar.

[See Gazette of India, 1890, Pt. II, p. 222.]

Notification prescribing Fees under the Indian Registration Act, 1877.

No. 1372-I., dated the 25th April, 1890.—The following table of fees prepared under section 78 of the Indian Registration Act (III of 1877), as applied to the Cantonments of Mhow, Neemuch, Nowgong and Sipri,<sup>1</sup> and the Residency Bazaars at Indore, is hereby published as required by section 79 of the Act.

2. The Notification of the Government of India in the Foreign Department, No. 195, dated the 14th August, 1866, is hereby cancelled, in so far as it applies to any of the aforesaid places.

TABLE OF FEES UNDER SECTION 78 OF THE INDIAN REGISTRATION ACT, III OF 1877, FOR THE CANTONMENTS OF MHOW, NEEMUCH, NOWGONG AND SIPRI,<sup>1</sup> AND THE RESIDENCY BAZAARS AT INDORE.

## I.—REGISTRATION FEES (ORDINARY).

## A.—Documents chargeable at "ad valorem" rates.

## ARTICLES.

R. a. p.

I.—For the registration of any document, the registration of which is compulsory, other than a lease—

When the value or consideration does not exceed R100. . . . . 1 0 0

For every one hundred rupees or part of one hundred rupees in excess of R100 . . . . . 0 8 0

The maximum fee to be . . . . . 20 0 0

<sup>1</sup> The Cantonment at Sipri has been abandoned, and the site occupied by it given back to the Gwalior Durbar.

# CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

## B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*

### Notification prescribing Fees under the Indian Registration Act, 1877—*contd.*

#### I.—REGISTRATION FEES (ORDINARY)—*contd.*

##### A.—Documents chargeable at "ad valorem" rates—*contd.*

ARTICLES.	R	a.	p.
II.—For the registration of leases—			
Half the value of the stamp-duty payable on the lease.			.
If the lease is exempt from stamp-duty, a fee of . . . . .	0	8	0
III.—For the registration of bonds—			
Half the value of the stamp-duty payable on the bond.			
PROVISO.—The minimum fee under Article II or Article III is . . . . .	0	3	0

##### B.—Documents chargeable with fixed duties.

IV.—For the registration of a Will, power-of-attorney, authority to adopt, or certified copy of a decree or order of a Court . . . . .	2	0	0
V.—For the registration of any document which cannot be brought under any other article of this Schedule . . . . .	1	0	0

#### II.—REGISTRATION FEES (EXTRAORDINARY).

VI.—Extra fees for registration of any document by Registrar . . . . .	4	0	0
			In addition to the ordinary fee.

#### III.—FEES INCIDENTAL TO REGISTRATION.

##### (1) Payable in all cases.

VII.—Copying fees* (payable independently of registration fee) . . . . .	(a) 0	2	6
	(a)	For each folio† of 100 words in the document.	

NOTE.—Copying fees are not leviable on the registration of leases of fields granted to cultivators or on the registration of counterparts of such leases . . . . .

(b) 0	4	0	(b) Fixed fee for copying the endorsements on the document.
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##### (2) Payable in Special Cases in addition.

VIII.—For every copy to be sent under section 65 or section 66, a uniform fee of . . . . .	0	8	0
IX.—For filing a translation (section 62) . . . . .	2	0	0
X.—For the custody of a document which has remained unclaimed for one month from the date on which it was endorsed "registered" or "registration refused". . . . .	1	0	0
			For each month or portion of a month after the first month during which the document is unclaimed.

NOTE.—The maximum fee is R5. The fee may be remitted at the discretion of the Inspector General of Registration.

\* If a document relates to immoveable property situated in more districts than one, and a copy thereof has to be forwarded to another or other districts under section 65 or section 66, copying fees will be payable twice over (or oftener as the case may be), once for the original copying into the register and again for making the copy or copies for despatch (vide Article XIV).

† A fraction of a folio to be counted as a whole folio [Registration Rule 46(9)].

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*Notification prescribing Fees under the Indian Registration Act, 1877—*contd.*

## IV.—FEES FOR VISITS AND COMMISSIONS.

## ARTICLES.

R a. p.

- XI.—For attendance at a private residence for acceptance of a document for registration or for deposit (section 31), or for the examination of any person under section 38.

NOTE.—When an attendance takes place under both sections 31 and 38 at the same time and place, if the registration of but one document is concerned, only one attendance fee and one registration fee will be levied. If a Registering Officer, when the registration of one document is concerned, attends on the presenter on one occasion and the executant or another necessary witness on another occasion, two attendance fees and one registration fee will be levied. If a Registering Officer attends at a private residence or jail, and one person presents several documents, or one person admits the execution of several documents at one and the same time and place, only one attendance fee will be levied; but a registration fee will be levied in the case of each document. Where several different persons at one and the same time and place present for registration or admit execution of several different documents, the Registering Officer will levy an attendance fee for each distinct transaction, the registration fee being payable on all such documents

10 0 0

In addition to the ordinary fee and travelling allowance at the rate of 4 annas per mile by road and 1½ annas by rail.

- XII.—For attendance under section 33; or the issue of a commission under section 33 or section 38—

(a) If the person is physically unable to attend the office or is confined in jail . . . . .

5 0 0

N.B.—The rate is per mile, and no distance less than a mile should be charged for.

In addition to the ordinary fee and travelling allowance at the rate of 4 annas per mile by road and 1½ annas by rail.

(b) Otherwise . . . . .

10 0 0

Ditto ditto.

## V.—FEES FOR SEARCHES AND FOR COPIES.

- XIII.—For a search made for an entry by a Registering Officer; \* and for allowing

\* If in an application to the Registering Officer for a copy of an entry the name of the claiming and executive parties, the nature of the document and the date of the document, and the date of registration be shown, the fee for search will not be levied.

# CHAPTER III.—II(4).—THE MHOW CANTONMENT—*contd.*

## B.—British Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*

### Notification prescribing Fees under the Indian Registration Act, 1877—*contd.*

#### V.—FEES FOR SEARCHES AND FOR COPIES—*contd.*

ARTICLES.	R	a.	p.	
an applicant to inspect books or indexes* . . . . .	1	0	0	Per hour or part of an hour occupied in search or inspection.
NOTE.—Government Officers who may require to search or inspect the registers for <i>bona fide</i> public purposes are exempted from the payment of fees.				
XIV.—For making or granting copy of reasons,† entries, or documents for the benefit of any person, or to be forwarded to any other officer under section 65, 66, or 67‡	0	2	6	Per folio § of 100 words in the body of the document, and in addition a fixed copying fee of 4 annas on account of endorsements copied.
NOTE.—Government officers who require copies for <i>bona fide</i> public purposes are exempted from payment of fees.				
XV.—For granting copy of a map (provided that the arrangements for and the cost of making such copy must be made and borne by the person who applies for it) . . . . .	0	8	0	

#### VI.—FEES FOR MISCELLANEOUS PROCEEDINGS.

XVI.—(a) For deposit of a sealed cover containing a Will . . . . .	2	0	0	Besides the expense [in (b) only] of copying the contents according to the scale laid down above (Article XIV).
(b) For opening such cover . . . . .	2	0	0	
(c) For withdrawal of such cover . . . . .	2	0	0	
XVII.—For attestation of a power-of-attorney (if special)	1	0	0	
XVIII.—Ditto ditto (if general)	2	0	0	

#### VII.—FEES FOR APPLICATIONS AND FOR ISSUE OF PROCESS.

XIX.—The fees payable under the Court-fees Act, 1870,|| and rules issued under it for applications to and processes issued by Revenue Courts shall be levied on such applications to Registering Officers as are required to be in writing<sup>1</sup> and on processes issued by them.

<sup>1</sup> *E.g.*, applications for inspections and copies; applications for copies of reasons for refusal to register.

[See *Gazette of India*, 1890, Pt. I, p. 260.]

#### Rules under the Hackney Carriages Act, 1879.

No. 2682-I, dated the 15th August, 1895.—The following Rules under sections 3, 4 and 5 of the Hackney Carriage Act (XIV of 1879), as applied to the

\* Only Books Nos. 1 and 2, and the indexes relating to Book No. 1, are open to inspection (section 57, Act III of 1877); the others must be searched by the Registering Officer or his Muharrir.

† Copies of reasons for refusal to register when granted by Sub-Registrars are exempt from fees (section 71 of Act III of 1877).

‡ See footnote to Article VII.

§ A fraction of a folio to be counted as a whole folio [Registration Rule 46 (9)].

|| The Court Fees Act, 1870 (VII of 1870) was applied to these Cantonments by Notification No. 5032-I, dated the 24th December, 1891, printed *supra*, p. 97. So far as is known, it has not been applied to the Residency Bazzars.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriages Act, 1879—*contd.***

Cantonment of Mhow by the Notification of the Government of India, in the Foreign Department, No. 2680-I., dated the 15th August, 1895, shall have force in the said Cantonment :

I.—No hackney carriage of any kind shall be let to hire, or taken to ply or offered for hire, except under a license granted in that behalf as provided in these rules.

II.—No person shall act as driver of a hackney carriage except under a license granted in that behalf as provided in these rules.

III.—Every hackney carriage within cantonment limits, and every driver of a hackney carriage shall be licensed by an officer appointed for the purpose by the Cantonment Committee, and the said officer shall keep a register in which he shall enter every hackney carriage under its class and give it a number by which it shall be known.

IV.—The owner of any carriage who is desirous of having it licensed as a hackney carriage must apply to the licensing officer stating the class in which he desires that the carriage may be licensed, and he shall submit the carriage, harness and horses to be used therewith for the inspection of the licensing officer at such time and place as the said officer shall appoint. The licensing officer shall after such inspection decide either to grant the license applied for or to refuse it. When a license is granted the licensing officer shall deliver the license duly signed to the owner of the hackney carriage.

The person in whose name any carriage is licensed shall be deemed the owner of such carriage for the purpose of these rules.

V.—The following particulars shall be entered in the register to be kept by the licensing officer, and shall also be specified in the license to be given to the owner, and they shall be inserted in English and Urdu on a card\* which shall be provided by the registering officer to be affixed to some conspicuous part of the different classes of carriages :

\* A metal plate might, if preferred, be used instead of a card.

- (1) The class in which the carriage is licensed and the number assigned to it in the register.
- (2) The name and residence of the owner of the carriage.
- (3) The description, number and height of the animals to be employed in drawing such carriage.
- (4) The number of persons the carriage is licensed to carry.
- (5) The weight of luggage the carriage is licensed to carry.

VI.—The following shall ordinarily be the classes of hackney carriages :

*First class.*—Carriages drawn by one horse of the height of 15 hands or over, or two horses of the height of 13 hands or over, regard being had to the condition of the horse or horses and the state of the carriage, which must be such as to entitle it to rank in the first class.

*Second class.*—Carriages drawn by one horse of the height of 14 hands or over, or two horses of the height of 12 hands or over :

Provided that when any horse or horses are not of the stipulated height, but are nevertheless in the opinion of the registering officer fit to draw the carriage of the class in which registration is applied for, registration may be made in that class.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriages Act, 1879—*contd.***

VII.—Notice of transfer of ownership of any hackney carriage is to be made in writing to the registering officer by the transferee within one week from the date of transfer. The registering officer will thereupon make the necessary alterations in the register, license and card.

VIII.—Any person desiring to be licensed as a hackney carriage driver shall apply in person to the licensing officer, who, after ascertaining that he is not incompetent to drive a hackney carriage, may grant him a license as a driver: provided that the license may be refused whenever the licensing officer is of opinion that it would be inexpedient to grant it to the person applying.

The licensing officer shall keep a register in which he shall enter the name, father's name, age, and residence of all persons who have been licensed as drivers, and also give to each a number in the register.

The licensing officer shall, at the time of granting the license, deliver to the driver a ticket containing the number, name, etc., of the driver and the year for which he has been registered.

IX.—The following fees shall be payable for licenses granted under these rules:—

	<i>R</i>	<i>a</i>	<i>p</i>	
(1) For a hackney carriage of the 1st class . . .	4	0	0	per annum.
(2) For a hackney carriage of the 2nd class . . .	2	0	0	" "
(3) For a hackney carriage of the 3rd class . . .	1	0	0	" "
(4) For the driver of a hackney carriage . . .	0	8	0	" "

X.—It shall be the duty of the licensing officer to satisfy himself from time to time that the animals, harness and other things used with a licensed carriage are in a serviceable condition and fit for the public use, and also that they are properly kept. A license may at any time be suspended or revoked when this is not the case.

XI.—Every hackney carriage must carry two carriage lamps of the usual pattern properly fixed with clean glasses, except ekkas and camel and bullock carts, which must carry one good and sufficient light.

XII.—The proprietor, or in his absence some responsible person, shall always be on the premises where the hackney carriages are kept to supply carriages when required. Such officers as may be appointed by the Cantonment Committee may at any time inspect the different carriage yards, premises and stabling, and direct that they be kept properly cleaned and in good order. In default of this the license may be suspended or revoked.

XIII.—Licenses issued under these rules shall be in force from the 1st April of the year in which they are granted to the 31st March of the ensuing year. Licenses granted on any date subsequent to the 1st April shall continue in force to the 31st March following and no longer.

Such licenses will be subject to suspension or withdrawal for a breach of any of the rules contained herein by order of a Magistrate in any case which may come before him and under the following circumstances:—

- (1) Allowing an unlicensed hackney carriage to ply for hire.
- (2) Employing or permitting an unlicensed driver to drive a hackney carriage.
- (3) An owner or driver of a hackney carriage beating cruelly, ill-treating, overdriving, torturing, or causing or procuring or permitting any animal drawing the same to be cruelly beaten, ill-treated, overdriven,

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriages Act, 1879 —*contd.***

- or tortured, or carrying a greater number of passengers or a greater weight of luggage than he is licensed to carry.
- (4) An owner or driver of a hackney carriage harnessing or driving or permitting to be harnessed or driven any animal which from sickness, age, wounds or other causes is unfit to be harnessed or driven.
  - (5) Being the owner of a hackney carriage of the first, second or third class which has not a legibly inscribed card affixed to a conspicuous part of it as required by these rules.
  - (6) Being the driver of a hackney carriage and not carrying with him while on duty his ticket in good and legible condition.
  - (7) Being the driver of a hackney carriage who shall be drunk during his employment or make use of insulting or abusive language or gesture, or who shall wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person, or who shall wrongfully prevent or endeavour to prevent the driver of another hackney carriage from being hired, or who being hired by time shall desert from the hiring before he has been discharged by the hirer.
  - (8) Being the owner or driver of a hackney carriage who shall demand more than the proper fare to which he is entitled under these rules, or who shall refuse to admit and carry in his carriage the number of persons and amount of luggage for which it is licensed except on reasonable and sufficient grounds.
  - (9) Being the owner of a hackney carriage and omitting to produce the driver employed thereon when ordered by a Magistrate to do so.

XIV.—On a hackney carriage being licensed the owner shall cause the number of the license and class thereof to be distinctly painted in English and Urdu on the outside of the first and second class carriages, and in Urdu only on third class carriages.

XV.—The Cantonment Committee may determine the places where hackney carriages shall be allowed to wait for hire and prohibit them from so doing at any other place.

XVI.—The following rates of fare shall be charged by the proprietors and drivers of hackney carriages, and must be paid by any person hiring them :

	<i>By time.</i>	<i>R a. p.</i>
For a day of nine hours	{ 1st class . . . . .	4 0 0
	{ 2nd „ . . . . .	2 8 0
	{ 3rd „ . . . . .	1 12 0
For half a day of five hours	{ 1st class . . . . .	2 8 0
	{ 2nd „ . . . . .	1 8 0
	{ 3rd „ . . . . .	1 2 0
Quarter day of three hours	{ 1st class . . . . .	1 8 0
	{ 2nd „ . . . . .	1 2 0
	{ 3rd „ . . . . .	0 14 0
For two hours . . . . .	{ 1st class . . . . .	1 4 0
	{ 2nd „ . . . . .	0 14 0
	{ 3rd „ . . . . .	0 10 0
For one hour or part of an hour.	{ 1st class . . . . .	0 12 0
	{ 2nd „ . . . . .	0 8 0
	{ 3rd „ . . . . .	0 6 0

N.B.—Night rates 2 annas extra per hour. Night to reckon from 7 P.M. to 5 A.M.



# CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*

## B.—British-Mhow Cantonment Enactments—2-Local Rules and Orders under Acts—*contd.*

### Rules under the Hackney Carriages Act, 1879—*contd.*

The charge for the hire of a carriage to drive from the station to any place within the cantonment shall be as follows :—

	<i>R a. p.</i>
For a 1st class carriage . . . . .	0 8 0
For a 2nd class carriage . . . . .	0 6 0

**XVII.**—Fares for distances beyond cantonment limits must be settled by private agreement, as also for carriages of a distinctly superior class kept at hotels and livery stables, for which a special license must be taken out on such terms as the Cantonment Committee may impose. Such carriages may be exempted from all or any of the provisions of these rules at the discretion of the Committee.

**XVIII.**—A driver of a hackney carriage is entitled to claim his discharge from any passenger after having been employed by such passenger for a whole day of nine hours, or at any time in case of himself being sick or his horse being lame or sick, provided that in either case he supplies another hackney carriage to the passenger, if required to do so and another can be found. A driver or owner may refuse to let his carriage under the same circumstances or when asked to ply beyond cantonment limits, and shall be bound to do so when asked to carry a greater number of passengers or a greater weight of luggage than he is licensed to carry, or any person suffering from a contagious or infectious disease or a corpse or dead body.

**XIX.**—The number of persons and the weight of luggage to be carried in a hackney carriage shall be as under :—

Description of Carriage.	Load.	
	Passengers.	Luggage.
1st class . . . . .	Not exceeding 3 passengers	Not exceeding 3 maunds.
2nd class . . . . .	Ditto 3 ditto	Ditto 3 ditto.
3rd class . . . . .	Ditto 3 ditto	Ditto 3 ditto.

**XX.**—The owner of a hackney carriage shall be bound to exhibit in a conspicuous part of the inside of each carriage a schedule (in English and Urdu) of the rates of fare chargeable under these rules for carriages of its class. He shall also be responsible that such list is kept in a good and legible condition. Any person wilfully or wantonly destroying or defacing the same shall be held to have committed a breach of these rules.

**XXI.**—Every driver of a hackney carriage on being licensed shall be provided with a numbered badge or ticket, and shall produce his license when required by a Magistrate or such other persons as may be duly authorised by the Cantonment Committee in this behalf. Such licenses and badges are not transferable.

**XXII.**—It shall be incumbent on every driver or owner of a hackney carriage in which property shall be left to take the same, unless sooner claimed by the owner, to the nearest police-station within twenty-four hours; in default to be punishable under section 7, Act XIV of 1879. The police-officer with whom any such property shall be deposited shall forward the same to the Cantonment Magistrate or such officer as he may appoint, who shall forthwith enter in a book to be kept for that

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2. Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriages Act, 1879—*concl'd.***

purpose the description of such property and the name and the address of the driver bringing it. The property may be returned to any person claiming the same on satisfactory proof that he is the owner thereof after payment of all expenses incurred and a reasonable reward to the driver, to be fixed by the Cantonment Magistrate : provided always that if such property shall not be claimed by, and proved to belong to, some one within one year after the same shall have been deposited, it may be sold or otherwise disposed of, and the proceeds, after deducting the expenses, shall be given half to the driver and half to the funds of the Cantonment Committee.

XXIII.—The orders of the licensing officer appointed under these rules may be appealed to the Cantonment Committee, whose decision shall be final.

[See *Gazette of India*, 1895, Pt. I, p. 705.]

**Notifications under the Cantonments Acts, 1889.****Appointment of Small Cause Court Judge.**

No. 2582-I., dated the 31st July, 1894.—In exercise of the powers conferred by section 8 of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Mhow by the Notification of the Government of India in the Foreign Department, No. 1375-I., dated 25th April, 1890, the Governor General in Council is pleased (1) to appoint the Cantonment Magistrate of Mhow for the time being to be the Judge of the Court of Small Causes in the Cantonment of Mhow, and (2) to declare that suits of which the value does not exceed five hundred rupees, and which are cognizable by a Court of Small Causes, shall be cognizable by him as such Judge.

[See *Gazette of India*, 1894, Pt. I, p. 424.]

**Imposition of taxes.**

No. 2537-I., dated the 30th July, 1885.—In exercise of the power conferred by section 21 of the Cantonments Act, 1880,<sup>1</sup> in the modified form in III of 1880, which that section is in force in the Cantonment of Mhow, under the Notification of the Foreign Department, No. 32-I.J., dated the 27th January, 1881, the Governor General in Council is pleased to impose the following taxes in the Cantonment of Mhow :—

**I.—PROPERTY-RATES.<sup>2</sup>****A.—General Rates.**

(1) A general rate of ten per cent. per annum on the annual value of houses, buildings and lands situate outside the limits of the bazaar : and

(2) a general rate of seven per cent. per annum on the annual value of houses buildings and lands situate within the limits of the bazaar.

<sup>1</sup> See now Act XIII of 1889, which was applied to this Cantonment by Notification No. 1375-I., dated the 25th April, 1890, under section 2 (2) of which the Notification imposing these taxes is kept in force. The Notification applying Act XIII of 1889 is printed, *supra*, p. 98.

<sup>2</sup> These clauses were substituted for clauses (1) and (2) of the original Notification by Notification No. 3842-I., dated the 1st October, 1889, printed, *infra*, p. 162.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Imposition of taxes—*contd.*****B.—Water-Rates.**

(1) A water-rate of seven per cent. per annum on the annual value of houses buildings and lands situate outside the limits of the bazaar; or a water-rate of twelve annas per thousand gallons upon the actual consumption of water, as the Cantonment Committee, having regard to the quantity of water consumed in any houses or buildings or on any lands, and to other circumstances, may determine; and

(2) a special water-rate on house attachments within the limits of the bazaar, namely:—

*With one tap to every pipe—*

For every $\frac{1}{8}$ " pipe or less	.	.	.	.	R12 per annum.
" " $\frac{3}{4}$ " "	.	.	.	.	R24 "
" " 1" "	.	.	.	.	R36 "

*For every extra tap—*

On $\frac{1}{8}$ " pipe or less	.	.	.	.	.	R1 per annum.
" $\frac{3}{4}$ " "	.	.	.	.	.	R3 "
" 1" "	.	.	.	.	.	R9 "

**Provided that—**

- (1) No property rate shall be leviable in respect of any buildings exclusively used for public worship or religious or charitable purposes; or in respect of any houses, buildings or lands belonging to Government, and used for Government purposes, or occupied by Government servants entitled as such to free quarters.
- (2) From the time when the said<sup>1</sup> [General rate] is first levied, the Cantonment Magistrate shall cause the conservancy establishment to undertake for all houses, buildings and premises made liable to the said rate within the limits of bazaars and bustees the duties usually performed by halalkhors.

**II.—OCTROI DUTIES.**

Octroi duties, at the rate specified in the following schedule, upon all articles named in the said schedule, which are imported into, and sold within, the Cantonment:

Provided that no octroi duty shall be leviable on any article which is the property of Government. Duty shall be paid on goods the property in which is not vested in Government at the time of import, but which, being imported with a view to the fulfilment of a Government contract or otherwise intended for the use of Government, will in the ordinary course of things become after importation the property of Government; but a refund of the same may be subsequently obtained on compliance with the procedure laid down in the Mhow Cantonment Taxation Regulations.

<sup>1</sup> The words "General rate" were substituted for the words "Conservancy rate" by Notification No. 3842-I., dated the 1st October, 1889, printed, *infra*, p. 162.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.**Imposition of taxes—contd.*<sup>2</sup> SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENTS.

Class.	Name of Article.	Rate.	Per.
		<i>₹ a. p.</i>	
I.—Articles of food and drink for men and animals.	Alubukhara . . . . .	1 0 0	Maund.
	Almonds . . . . .	0 12 0	"
	Betel-nut . . . . .	1 0 0	"
	Betel-leaves . . . . .	1 8 0	"
	Bihidana . . . . .	1 0 0	"
	Cotton seeds . . . . .	0 0 4	"
	Chillies, green . . . . .	0 1 0	"
	Cocoanuts with shells . . . . .	0 3 0	"
	Coffee . . . . .	0 12 0	"
	Cocoanuts . . . . .	0 6 0	"
	Dried fruit of sorts . . . . .	1 0 0	"
	Mustard seed . . . . .	0 2 0	"
	Dried dates or kharricks, and raisins of sorts . . . . .	0 8 0	"
	Garlic . . . . .	0 1 0	"
	Grain of all sorts, not specified elsewhere in this schedule . . . . .	0 0 6	"
	Grass, dry . . . . .	0 0 3	"
	„ green . . . . .	0 0 1	"
	Gram . . . . .	0 1 0	"
	Gur . . . . .	0 1 0	"
	Ghee . . . . .	0 8 0	"
	Honey . . . . .	1 0 0	"
	Kernels, cocoanuts . . . . .	0 6 0	"
	Kaju (nut) . . . . .	0 8 0	"
	Kurbi . . . . .	0 0 3	"

<sup>2</sup> Substituted for the original Schedule by Notification No. 686-I., dated the 11th February, 1891, printed, *infra*, p. 162.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1898—contd.**Imposition of taxes—contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per.
		<i>R a. p.</i>	
I.—Articles of food and drink for men and animals— <i>contd.</i>	Maithi . . . . .	0 2 0	Maund.
	Mangoe chips . . . . .	0 4 0	"
	" fruit. . . . .	0 1 0	"
	Mowa . . . . .	0 4 0	"
	Mung Phali . . . . .	0 4 0	"
	Oil cakes . . . . .	0 1 0	"
	Onions . . . . .	0 1 0	"
	Potatoes . . . . .	0 2 0	"
	Huldi . . . . .	0 2 0	"
	Pind, khazur . . . . .	0 4 0	"
	Rice . . . . .	0 2 0	"
	" (Bugwa) . . . . .	0 0 6	"
	Sugarcane . . . . .	0 1 0	"
	Indian-corn . . . . .	0 1 0	"
	Singara (dry) . . . . .	0 4 0	"
	" (green) . . . . .	0 2 0	"
	Sugar . . . . .	0 4 0	"
	Sugarcandy . . . . .	0 4 0	"
	Tamarind . . . . .	0 1 0	"
	Tea (Indian or Foreign) . . . . .	2 2 0	R100.
	Treacle . . . . .	0 1 0	Maund.
	Vegetables . . . . .	0 1 0	"
	Wheat . . . . .	0 0 9	"
	Cocum Amchur . . . . .	1 0 0	"
	Giager, green . . . . .	0 1 0.	"
II.—Animals for slaughter.	Sheep and goats . . . . .	0 0 6	Each.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Imposition of taxes—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per.
		<i>R a. p.</i>	
III.—Articles of fuel, lighting and washing.	Charcoal, coke and coal . . . . .	0 0 3	Maund.
	Cocoanut oil . . . . .	0 8 0	"
	Firewood . . . . .	0 0 3	"
	Soap, country . . . . .	0 2 0	"
	Tallow . . . . .	0 4 0	R100
	Sujee, khar . . . . .	0 2 0	Maund.
IV.—Building materials.	Burnt bricks, Government size . . . . .	0 4 0	1,000.
	" " bazaar size . . . . .	0 2 0	"
	Bamboos, green . . . . .	0 2 0	"
	Bamboos, dry . . . . .	0 6 0	"
	Balis, teak . . . . .	0 8 0	Cart.
	" arcot . . . . .	0 4 0	"
	Babul wood . . . . .	0 0 3	c. ft.
	Lime for whitewash . . . . .	2 0 0	100 maunds.
	" kankar . . . . .	2 0 0	"
	" for mortar . . . . .	1 8 0	"
	Limestones for mortar . . . . .	1 8 0	"
	Stone, rubble . . . . .	0 1 0	Cart.
	Tiles . . . . .	0 2 0	1,000
	Teak, Bombay . . . . .	0 1 0	c. ft.
V.—Drugs, gums, spices and perfumes.	Asafoetida . . . . .	0 2 0	Seer.
	Alum . . . . .	0 6 0	Maund.
	Behada . . . . .	0 2 0	"
	Bagubaha . . . . .	0 8 0	"
	Gloves . . . . .	1 0 0	"
	Chillies, dry . . . . .	0 4 0	"

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2-Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Imposition of taxes—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per.
		<i>Rs a. p.</i>	
V.—Drugs, gums, spices and perfumes— <i>contd.</i>	Coriander seed . . . . .	0 4 0	Maund.
	Cardamom of sizes . . . . .	6 0 0	"
	Chubila . . . . .	0 4 0	"
	Chiratta . . . . .	0 8 0	"
	Carraway seed . . . . .	0 6 0	"
	Cinnamon . . . . .	1 0 0	"
	Camphor . . . . .	2 0 0	"
	Chupri (wax) . . . . .	1 8 0	"
	Ginger, dry, Bombay . . . . .	1 0 0	"
	Gum . . . . .	1 0 0	"
	Hurday, all sorts . . . . .	0 6 0	"
	Javatri . . . . .	1 0 0	"
	Kyaphal . . . . .	0 4 0	"
	Khus (grass) . . . . .	0 4 0	"
	Kali mushli . . . . .	0 8 0	"
	Kasui . . . . .	0 8 0	"
	Lobhan . . . . .	1 8 0	"
	Mushli, white . . . . .	2 8 0	"
	Majuphal . . . . .	2 0 0	"
	Nutmegs . . . . .	1 0 0	"
	Nasphal . . . . .	0 8 0	"
	Nagar mothra . . . . .	0 8 0	"
	Oils, perfumed . . . . .	2 0 0	R100.
	Poppy seed . . . . .	0 2 0	Maund.
	Pepper, black . . . . .	1 0 0	"
	Saffron . . . . .	2 0 0	R100.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—3.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1869—contd.*Imposition of taxes—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per.
		<i>Rs a. p.</i>	
V.—Drugs, gums, spices and perfumes— <i>concl'd.</i>	Sunchore . . . . .	0 2 0	R100.
	Salum misry . . . . .	5 0 0	„
	Sandal-wood . . . . .	1 0 0	„
	„ chips . . . . .	0 2 0	„
	Sulphur . . . . .	0 4 0	„
	Suttawdar . . . . .	1 0 0	„
	Sahjira . . . . .	1 0 0	„
	Sunamukhi . . . . .	0 8 0	„
	Sohaga . . . . .	0 8 0	„
	Ujwain . . . . .	0 2 0	„
	Unab . . . . .	1 0 0	Maund.
VI.—Tobacco	Upleta . . . . .	0 6 0	„
	Tobacco, English . . . . .	2 0 0	„
	„ country . . . . .	1 0 0	„
	„ „ second sort . . . . .	0 8 0	„
VII.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress.	„ „ third sort . . . . .	0 4 0	„
	Bags, empty . . . . .	1 0 0	R100.
	Cotton piece-goods of all manufacture . . . . .	1 9 0	„
	Woollen and silken manufactures . . . . .	9 2 0	„
	Gota, khura . . . . .	8 2 0	„
	„ false . . . . .	1 9 0	„
VIII.—Metals and articles of metal.	Tatputty . . . . .	2 0 0	„
	Copper and brass utensils . . . . .	0 12 0	Maund.
	Iron { New . . . . .	1 8 0	R100.
	{ Old . . . . .	0 12 0	„



CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts —*contd.**Notifications under the Cantonments Act, 1889 — contd.**Imposition of taxes—contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per.
		<i>₹ a. p.</i>	
VIII.—Metals and articles of metal— <i>contd.</i>	Articles made of iron . . . . .	0 4 0	Maund.
	Steel and articles made of steel . . . . .	0 4 0	"
IX.—Miscellaneous .	Bangles, country . . . . .	2 0 0	"
	Bees' wax . . . . .	1 8 0	"
	Cotton with seeds . . . . .	0 2 6	"
	" cleaned . . . . .	0 8 0	"
	Cane . . . . .	0 4 0	"
	Gulal . . . . .	0 8 0	"
	Gunpowder, country . . . . .	1 0 0	"
	Hemp and rope . . . . .	0 2 0	"
	Twine of sorts . . . . .	0 4 0	"
	Tape, cotton . . . . .	1 0 0	"
	Hides, raw, cow . . . . .	0 1 0	Each.
	" tanned, cow . . . . .	0 2 0	"
	Hides, raw, sheep . . . . .	0 0 3	"
	" tanned, sheep . . . . .	0 1 0	"
	Indigo . . . . .	5 0 0	Maund.
	Ivory . . . . .	0 4 0	Seer.
	Kutha kusumba . . . . .	1 0 0	Maund.
	Linseed . . . . .	0 2 0	"
	Linseed oil, boiled . . . . .	0 4 0	"
	Maonga . . . . .	2 0 0	R100.
	Mendi . . . . .	0 8 0	"
	Meifit . . . . .	0 8 0	"
	Oilseeds . . . . .	0 2 0	"
	Patung . . . . .	0 8 0	"

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Imposition of taxes—*concl.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE MHOW CANTONMENT—*concl.*

Class.	Name of Article.	Rate.	Per.
		<i>Rs a. p.</i>	
IX.—Miscellaneous — <i>contd.</i>	Shoes, English . . . . .	3 0 0	R100.
	„ country . . . . .	3 0 0	„
	Parsis' and Boras' goods and stores not hereinbefore specified, and furniture of all descriptions.	1 8 0	„
X.—Liquor	Wines, malt liquors and European spirits	1 9 0	„

NOTE.—Machinery, agricultural implements, and head-loads of firewood, grass, and vegetables to pass free.

[See *Gazette of India*, 1885, Pt. I, p. 414.]

## Commutation of Octroi-duties leviable on postal and railway parcels.

No. 1542-I.B., dated the 9th June, 1899.—In exercise of the power conferred by section 17, sub-section (1), clause (b), of the Cantonments Act, 1889 (XIII of 1889), as applied to the Cantonment of Mhow by the Notification of the Government of India in the Foreign Department, No. 1375-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the payment of the octroi duties leviable in the said cantonment may be commuted in accordance with the following rule, namely :

Any Military or Civil Officer of Government or of the Railway residing in the Cantonment of Mhow whose pay is not less than Rs. 200 a month, may commute the octroi duties payable on parcels, brought by post or railway, which are intended only for his *bona fide* personal use or for that of his family residing with him, for an annual payment on the following scale :

	Rs.
General Officers and Civil Officers whose pay exceeds Rs. 1,500 a month	15 a year.
Colonels and Lieutenant-Colonels and Civil Officers whose pay exceeds Rs. 900 and does not exceed Rs. 1,500 a month . . . . .	12 „
Majors and Civil Officers whose pay exceeds Rs. 500 and does not exceed Rs. 900 a month . . . . .	10 „
Captains and Civil Officers whose pay exceeds Rs. 300 and does not exceed Rs. 500 a month . . . . .	8 „
Lieutenants and 2nd-Lieutenants and Civil Officers whose pay exceeds Rs. 200 but does not exceed Rs. 300 a month . . . . .	6 „

[See *Gazette of India*, 1899, Pt. I, p. 456.]

<sup>1</sup> Added by Notification No. 683-I., dated the 23rd February, 1893, see *Gazette of India*, 1893, Pt. I, p. 118.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1859—contd.*

## The Mhow Cantonment Taxation Regulations.

No. 2528-I., dated the 30th July, 1885.—In exercise of the power conferred III of 1880. by section 22 of the Cantonments Act, 1880,<sup>1</sup> in the modified form in which that section is in force in the Cantonment of Mhow under the Notification of the Foreign Department, No. 32-I.J., dated the 27th January, 1891, and with reference to the Notification of the same Department, No. 2527-I.,<sup>2</sup> of this date, imposing certain taxes in the Cantonment of Mhow, the Governor General in Council is pleased to apply to the said cantonment the provisions of the enactments and rules specified in the first column of the schedule hereto annexed, for the assessment and recovery of the said taxes, in the adapted form set forth in the second column of the said schedule.

The said provisions as so adapted, may be cited as “The Mhow Cantonment Taxation Regulations.”

Enactment or Rule.	Adapted Form.
	I. — PROPERTY-RATES. <sup>3</sup> <i>Valuation and Assessment.</i>
The Bombay Municipal Acts of 1872 and 1878, section 70.	1. The estimated gross annual rent at which the houses, buildings and lands liable to property-rates might reasonably be expected to let from year to year shall, for the purposes of the said rates, be held and deemed to be the annual value of such houses, buildings and land. The value of a house or building so estimated shall not include the value of any machinery contained therein.
The Bombay Municipal Acts of 1872 and 1878, section 70-A.	2. The said rates shall be leviable from the actual occupier of the house, building or land upon which they are assessed, if the said occupier be himself the landlord of such house, building or land, or if he hold the same immediately from Government. In any other case the said rates shall be leviable from the immediate landlord of the actual occupier or, when the property is unoccupied, from the person who would be immediate landlord of the occupier if it were occupied: Provided that if any person hereby made liable to the said rates himself pays rent to another person other than Government in respect of his interest in the house, building or land for which he is assessed to such rates, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said rates if the amount of the rent payable by him were the full annual value of the property taxed:

<sup>1</sup> See now Act XIII of 1889, which has been applied to this Cantonment by Notification No. 1375-I., dated the 25th April, 1890 (*supra*, p. 95,) in supersession of Notification No. 32-I.J., dated 27th January, 1881.

<sup>2</sup> See *supra*, p. 17.

<sup>3</sup> For a definition of the term “Property-rates” as used in these Regulations, see Notification No. 3843-I., dated 1st October, 1889, printed, *infra*, p. 162.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.***The Mhow Cantonment Taxation Regulations—*contd.***

Enactment or Rule.	Adapted Form.
The Bombay Municipal Acts of 1872 and 1878, section 70-A— <i>contd.</i>	<p style="text-align: center;"><b>I.—PROPERTY-RATES—<i>contd.</i></b></p> <p style="text-align: center;"><b><i>Valuation and Assessment—contd.</i></b></p> <p><sup>1</sup> Provided also that the water-rates shall be payable by the tenant of the house, building or land upon which they are assessed, where the landlord has defrayed the expense of laying down the connecting pipes, but not otherwise.</p> <p>And any person other than Government, possessing any interest in or over any such property superior to that of the person assessed to the said rates in respect of which he receives rent from any other person, shall be bound to give credit in account to such other person for such sum as would be leviable on account of the said rates if the rent which he receives were the full annual value of the property assessed.</p> <p>But nothing in this section shall be deemed to affect any agreement into which persons interested in any such property have entered, or may hereafter enter, concerning their respective liability on account of the aforesaid rates; and when any person other than the person hereby made liable for the said rates has by any such agreement rendered himself responsible for the same, or for any portion thereof, the person hereby made liable shall be entitled to recover the amount of the said rates or such portion thereof from the said person.</p>
The Bombay Municipal Acts of 1872 and 1878, section 71.	<p>3. For the purpose of assessing the rates aforesaid, the Cantonment Magistrate shall from year to year make a valuation of all houses, buildings and lands liable to the said rates, and cause the amount thereof to be entered in a book to be kept in the office of the Cantonment Magistrate, and to be called "the assessment book," wherein shall also be written in such form as the Cantonment Magistrate thinks fit—</p> <ol style="list-style-type: none"> <li>(1) the name of the person liable to payment of the rates aforesaid;</li> <li>(2) a designation of the property, either by name or number, sufficient to identify the same;</li> <li>(3) the name of the street or district in which such property is situate; and</li> <li>(4) the amount of the rates assessed thereon.</li> </ol> <p style="text-align: center;">* * *</p>
The Bombay Municipal Acts of 1872 and 1878, section 73.	<p>4. When the name of the person liable to payment of the rates aforesaid cannot be ascertained, it shall be sufficient to designate him in the assessment book, and also in any notice or other proceeding under these Regulations, as "the landlord" or "the occupier" of the property on which the rates are assessed without further description.</p>

<sup>1</sup> This proviso was added to these Regulations by clause (b) of the Notification referred to in the third footnote on the preceding page.

<sup>2</sup> Repealed by clause (c) of Notification No. 3843-I., dated the 1st October, 1899, printed, *infra*, p. 162.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889 —contd.*The Mhow Cantonment Taxation Regulations—*contd.*

Enactment or Rule.	Adapted Form.
	I.—PROPERTY-RATES— <i>contd.</i>
	<i>Valuation and Assessment—contd.</i>
The Bombay Municipal Acts of 1872 and 1878, section 73— <i>contd.</i>	When in any such case any person in occupation of any house, Liability of occupier if he building or land shall refuse to give fails to give information. such information as may be necessary for determining who is liable to payment of the said rates, such person shall himself be liable, until such information is obtained, for all the said rates leviable on such house, building or land.
The Bombay Municipal Acts of 1872 and 1878, section 74.	5. In order to enable the Cantonment Magistrate to arrive at Returns may be required a fair valuation of any houses, buildings for purpose of valuation. or lands liable to the said rates, it shall be lawful for the Cantonment Magistrate to require the owner or occupier of such houses, buildings or lands to furnish him with returns of the measurements and of the rent or annual value thereof; and, for the like purpose, it shall be lawful for the Cantonment Magistrate or any person or persons appointed by him for that purpose, at any time between 5 A.M. and 7 P.M., to enter and inspect and measure such houses, buildings or lands, after having given forty-eight hours' previous notice in writing of his intention to the occupier thereof.
	Whoever refuses or fails to furnish any of the returns specified in the preceding clause for the returns, etc. space of one week from the day on which he shall have been required so to do shall be liable, on conviction before a Magistrate, to the penalty provided in section 176 of the Indian Penal Code for omitting to furnish information required by law; and whoever knowingly makes a false or incorrect return shall be liable, on conviction before a Magistrate, to the penalty provided in section 177 of the aforementioned Code for furnishing false information to any public servant; and whoever hinders, obstructs or prevents the Cantonment Magistrate, or any person appointed by him as aforesaid, from entering or inspecting or measuring any such houses, building or lands, shall be liable, on conviction before a Magistrate, to the penalty provided by section 186 of the said Code for obstructing a public servant in the discharge of his public functions.
The Bombay Municipal Acts of 1872 and 1878, section 78.	6. When the valuations shall have been completed, the Cantonment Magistrate shall give public notice thereof and of the place where the assessment book, or a copy of the said book, may be inspected, by advertisement in <sup>2</sup> [the <i>Gazette of India</i> and] the <i>Bombay Government Gazette</i> and in one local English or vernacular newspaper (if any), and also by placards posted up in conspicuous places throughout the cantonment; and the person in whose custody the assessment book may be shall permit any person claiming to be the owner or occupier of property included in the valuations or assessments, or the agent of such owner or occupier, to inspect the

XIV of 1880.

<sup>1</sup> The Code was applied to Mhow by Notification No. 6022-I., dated the 24th December, 1891, printed, *supra*, p. 87.<sup>2</sup> These words were added by clause (b) of Notification No. 3843-I., dated 1st October, 1899, printed, *infra*, p. 182.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*The Mhow Cantonment Taxation Regulations—*contd.*

Enactment or Rule.	Adapted Form.
	<p style="text-align: center;"><b>I.—PROPERTY-RATES—<i>contd.</i></b></p> <p style="text-align: center;"><i>Valuation and Assessment—contd.</i></p> <p>The Bombay Municipal Acts of 1872 and 1878, section 78—<i>contd.</i></p> <p>The Bombay Municipal Acts of 1872 and 1878, section 79.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 80.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 81.</p> <p>book and to make extracts therefrom without payment of any fee ; and every person who does not claim to be such owner or occupier shall be permitted to inspect and make extracts, in like manner, on payment of a fee of one rupee.</p> <p>7. The Cantonment Magistrate shall, in the same notice, fix a Notice of time of revising day, not being less than fifteen days from the publication of such notice, when he will proceed to revise the said valuations and the assessed rates ; and in all cases in which any property is for the first time assessed, or in which the valuation of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuations shall be made to the Cantonment Magistrate by application in writing, left at his office, three days before the day fixed in the said public notice for the revising of the said valuations and rates ; and, upon hearing such complaints, the Cantonment Magistrate shall make such amendments, if any, in the said valuations and rates and in the assessment book as he shall think proper.</p> <p>8. After the complaints have been inquired into, and after the revision of the valuations and rates has been completed, the amendments, if any, made in the assessment book shall be authenticated by the signature of the Cantonment Magistrate, who shall, at the same time, certify, under his signature, that no valid objection has been made to the valuations entered in the said book, except in the cases in which amendments have been made as shown therein.</p> <p>Thereupon, subject to such alterations and amendments as may Rate assessed to be deemed thereafter be duly made, the rates the rate for whole year. entered in the assessment book shall be deemed to be the rates leviable for the whole year for which the assessment is made, and such year shall be from the first day of April.</p> <p>9. Provided always that the Cantonment Magistrate, upon the Alteration or amendment representation of parties or other information, may at any time amend the assessment book, by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rates previously omitted, or by striking out the name of any person or any property not liable to the rates, or by increasing or by reducing the amount of the rates ; but in all cases in which the name of a person is newly inserted, or in which any property is newly inserted as liable to the rates, or in which the rates are increased, notice of the amendment shall be given by the Cantonment Magistrate to the person interested, and a day shall be fixed in such notice for hearing complaints against such amendments,</p>

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***The Mhow Cantonment Taxation Regulations—*contd.***

Enactment or Rule.	Adapted Form.
	<p style="text-align: center;"><b>I.—PROPERTY-RATES—<i>contd.</i></b></p> <p style="text-align: center;"><i>Valuation and Assessment—conclld.</i></p> <p>which shall be made and heard in the manner prescribed in section 7 for complaints concerning original entries in the assessment book.</p> <p>10. When any house or building shall have been newly built or shall be re-built, or shall be enlarged so as to increase the yearly value, or houses newly built or re-built or re-occupied. when any house or building which has been vacant is re-occupied, the owner shall give notice thereof in writing to the Cantonment Magistrate within fifteen days from the date of completion of the building, re-building or enlargement, or from the date of occupation of each newly built or re-built or enlarged property, whichever date happens first, or in the case of any house or building which has been vacant, from the date of the re-occupation thereof. In default of such notice, the owner will be liable to a fine not exceeding fifty rupees on conviction before a Magistrate.</p> <p>11. It shall not be necessary to prepare a new assessment book every year; but the Cantonment Magistrate may from year to year adopt the valuations contained in the book for the last preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuations and rates for the current year: Provided always that public notice of such valuations and rates shall be given in the manner prescribed in section 6, and the provisions of the said section and of sections 7, 8 and 9 shall be applicable to the valuations and rates and to the book in which they are contained.</p> <p style="text-align: center;"><i>Appeals.</i></p> <p>12. Appeals against any rate charged under the foregoing provisions shall be heard and determined by the Cantonment Committee. But no such appeal shall be heard unless the amount of the rate has been deposited with the Cantonment Magistrate, and unless complaint has been previously made to the Cantonment Magistrate as hereinbefore provided.</p> <p>13. No such appeal shall be entertained unless it is brought within fifteen days after the date of the certificate of the Cantonment Magistrate in the assessment book, or, in the case of any subsequent amendment of the said book, within fifteen days after the date of such amendment.</p>

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*cont'd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*cont'd.****Notifications under the Cantonments Act, 1889—cont'd.***The Mhow Cantonment Taxation Regulations—*cont'd.***

Enactment or Rule.	Adapted Form.
	<b>I.—PROPERTY-RATES—<i>cont'd.</i></b>
	<i>Appeals—cont'd.</i>
The Bombay Municipal Acts of 1872 and 1878, section 132.	14. The assessment by the Cantonment Magistrate of any rate when no complaint or appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under section 12, shall be final. <small>Assessment when no appeal is made to be final. Adjudications under section 12 also final.</small>
	<i>Collections.</i>
The Bombay Municipal Acts of 1872 and 1878, section 69-A.	15. Property-rates shall be payable in advance in quarterly instalments; that is to say, one such instalment shall be due on the 1st April, 1st July, 1st October and 1st January in each official year commencing 1st April. All the amounts due for each quarter on account of any of the said rates by one and the same person shall be charged to such person in one bill, and shall be payable by and recoverable from him in the lump. <small>Property-rate when leviable.</small>
The Bombay Municipal Acts of 1872 and 1878, section 125.	16. When any rate or any portion of a rate shall have become due, the Cantonment Magistrate shall, with the least practicable delay, cause to be presented to the person liable to the payment thereof a bill for the sum due. The bill shall contain a statement of the period and a description of the property for which the rate is charged and the name of the person from whom the sum entered as due is claimed, and also a notice that the amount of the bill must be paid into the Cantonment Magistrate's office within fifteen days from the date of the presentation of the said bill. <small>Bill to be presented.</small>
The Bombay Municipal Acts of 1872 and 1878, section 134.	17. If the sum due on account of any property-rate remains unpaid after the bill for the same has been duly presented to the person liable to pay the same, and the said person be not the occupier for the time being of the house, building or land in respect of which such rate is due, the Cantonment Magistrate may demand the amount from the occupier. <small>Property-rates may be recovered from occupier, although he be not the person liable for them, under certain circumstances.</small> In any such case the occupier may deduct from the next and following payments of his rent the amount which may be paid by or recovered from him : Provided always that no arrear of rate shall be recovered from any such occupier which has remained due for more than one year, or which is due in respect of any term for which he has not been in occupation.
The Bombay Municipal Acts of 1872 and 1878, section 126.	18. If the bill is not paid by the person liable to pay the same or by the occupier within fifteen days from the presentation thereof, the Cantonment Magistrate may cause to be served upon the defaulter <small>Notice of demand.</small>



CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*The Mhow Cantonment Taxation Regulations—*contd.*

Enactment or Rule.	Adapted Form.
	1.—PROPERTY-RATES— <i>contd.</i>  Collections— <i>contd.</i>
The Bombay Municipal Acts of 1872 and 1878, section 126— <i>contd.</i>	a notice of demand in Form A hereto annexed, or to the like effect; and if he do not within fifteen days from the service of such notice of demand pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Cantonment Magistrate, and if no appeal shall have been preferred and the amount of rate deposited, such sum, with all costs, may be levied by order of the Cantonment Magistrate, under a warrant in Form B hereto annexed, by distress and sale of the goods and chattels of the defaulter, or, if the defaulter be the occupier of any house, building or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises.  For every notice of demand under this section which the Cantonment Magistrate shall cause to be served upon any person a fee not exceeding one rupee, the amount of which shall in each case be fixed by the Cantonment Magistrate, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and if not duly paid shall be levied in the same manner as such rate may be levied.
The Bombay Municipal Acts of 1872 and 1878, section 132.	19. The goods and chattels of any person from whom any rate is due may be distrained, wherever within the Cantonment the same may be found, for default in the payment of the money due from such person.  Goods of defaulter wherever found may be distrained.
The Bombay Municipal Acts of 1872 and 1878, section 130.	20. The officer charged with the execution of a warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing, in Form C hereto annexed, to the person in possession thereof at the time of the seizure that the said goods and chattels will be sold as therein mentioned.  Inventory: Notice of distress.
The Bombay Municipal Acts of 1872 and 1878, section 131.	21. If the warrant is not in the meantime discharged or suspended by the Cantonment Magistrate, the goods and chattels seized shall be sold under the orders of the Cantonment Magistrate, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The fees payable upon distraints under these Regulations shall be such as are set forth in the table of fees in Table D hereto annexed.  Sale.  Fees.
	* * *

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.***The Mhow Cantonment Taxation Regulations—*contd.***

Enactment or Rule.	Adapted Form.
<p>The Bombay Municipal Acts of 1872 and 1878, section 82, clause (1).</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 82, clauses (2) and (3).</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 84.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 116.</p>	<p style="text-align: center;"><b>I.—PROPERTY-RATES—<i>concl'd.</i></b></p> <p style="text-align: center;"><i>Remission and Refunds.</i></p> <p>23.<sup>1</sup> When any house, building or land, or any portion of a house let as a separate tenement or for lodgings or godowns, shall be or become vacant for a month or more in any one quarter, the Cantonment Magistrate shall remit or refund, as the case may be, one-half the property-rates leviable in respect of that quarter, and if vacant during the whole of any one quarter, he shall remit or refund the whole of that quarter's property-rates :  Remission or refunds on account of vacancies.      Provided always that the person liable to the payment of the said rates or his agent shall have given notice in writing of the vacancy to the Cantonment Magistrate, and that the amount of rate to be refunded shall be calculated from the date of the delivery of such notice.</p> <p>24. All applications for refunds falling due in any quarter shall be made within thirty days after the expiration of such quarter, in default whereof the claim to refund may be disallowed.  Claims for refund must be made within thirty days.      In the event of continued vacancy at the commencement of any quarter, the owner shall give notice in writing of the same to the Cantonment Magistrate within fifteen days after the commencement of the quarter. In default of such notice, his claim to refund on account of such continued vacancy shall be forfeited.</p> <p>25. When any house or building is demolished or removed, the person liable for the payment of the aforesaid rates in respect of such house or building shall give notice thereof in writing to the Cantonment Magistrate within fifteen days from the date of the completion of such demolition or removal : until such notice is given, the said person shall continue to be liable to the payment of all rates which would have been leviable had such house or building not been demolished or removed.  Notice to be given of demolition or removal of house.</p> <p style="text-align: center;"><b>II.—OCTROI-DUTIES.</b></p> <p>26. Octroi-duties shall be payable on demand, and shall be levied and collected by and under the management of the Cantonment Magistrate and officers subordinate to him: Provided that it shall be lawful for the Cantonment Magistrate, with the sanction of the Cantonment Committee, to make such arrangements as in his discretion he may deem fit with any Railway Company for the levy and collection of octroi-duties on dutiable articles imported by such railway for sale in the Mhow Cantonment.  Octroi-duties how to be levied and collected.</p>

<sup>1</sup> This clause of section 23 was substituted for the original clause by clause (e) of the Notification referred to in the note on the preceding page.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***The Mhow Cantonment Taxation Regulations—*contd.***

Enactment or Rule.	Adapted Form.
<p style="text-align: center;"><b>II.—OCTROI-DUTIES—<i>contd.</i></b></p>	
Rules for collection of octroi-duties in the Hyderabad City Municipality (Sindh), No. XI.	<p>27. Every person in charge of goods shall on arrival at the Description and value, etc., first octroi-station either make a declaration, stating the description, quantity and value of the goods in his charge, or present a regular invoice for the same.</p>
Ditto, No. XII.	<p>28. If the nakedar in charge of the octroi-station sees cause Procedure when correctness to challenge any such declaration or of declaration or invoice is to question the correctness of the in-doubted, voices, he shall send the goods, with the declaration and invoice, to the octroi-inspector, who may demand to examine and weigh the goods, and shall levy the duty which he shall find to be payable on them after examining and weighing them.</p>
Ditto, No. XI.	<p>29. Subject to the provisions of the foregoing section, the Data for determination of duty on articles assessed <i>ad valorem</i> amount of octroi-duty. shall be levied according to the invoice value. The duty on articles assessed by weight shall be levied on the net weight, such abatement being made from the gross weight on account of packings, lashings, etc., as may be from time to time prescribed by the Cantonment Committee.</p>
Ditto, No. II.	<p>30. Goods which are the property of Government at the time Passing of Government of import shall pass free, if accom-goods, panied by an invoice with an endorsement of the proper Government officer certifying that they are the property of Government.</p>
Ditto, No. IV.	<p>31. Goods, the property in which is not vested in Government Import of goods intended at the time of import, but which, being for Government. imported with a view to the fulfilment of a Government contract or otherwise intended for the use of Government, will in the ordinary course of things become the property of Government after importation, shall, on passing any octroi-station, be declared as being intended for the use of Government, <i>e.g.</i>, in fulfilment of a certain specified contract. The duty on them shall be paid, and subsequently, if they do actually become Government property, the duty shall be refunded on a certificate to that effect signed by the departmental officer concerned. <sup>1</sup> [Such certificate must be presented at the office of the Secretary to the Cantonment Committee within one week of its being granted by the departmental officer.]</p>
Ditto, No. VI.	<p>32. A receipt will be granted for all octroi-duties levied, speci-Grant of receipts for pay- fying the quantities and nature of the ments of octroi-duty. goods and the date of their importation. The holder of such a receipt will be entitled at any time</p>

<sup>1</sup> Added by Notification No. 1793-I., dated 29th May, 1890, printed, *infra*, p. 164.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1899—contd.*The Mhow Cantonment Taxation Regulations—*contd.*

Enactment or Rule.	Adapted Form.
<b>II.—OCTROI-DUTIES—<i>contd.</i></b>	
Rules for collection of octroi-duties in the Hyderabad City Municipality (Sindh), No. VI.	within <sup>1</sup> [one week] from the date of its issue to receive, in exchange for the original receipt, separate receipts for such portions of the goods as he may desire: provided that the amount of duty paid on any such portion be not less than Rs. (3) three; and, subject to this proviso, receipts may, at the option of holders, be subdivided and changed in the above manner as often as the holders may desire.
Ditto, No. VII.	33. A certificate of exportation will be granted, on application, to every holder of such a receipt who exports <sup>2</sup> [within three months of the date of the said receipt,] goods which correspond in nature with, and do not exceed in quantity, the goods described in the said receipt. <sup>3</sup> [Goods which have been booked to go by railway shall be considered to have been exported.]
Ditto, No. VII.	34. On production of an export-certificate, <sup>3</sup> [within one week of its having been granted,] accompanied by the corresponding receipt, the amount of duty paid, as per the receipt, in respect of goods of the nature and quantity exported, as per the export certificate, shall be refunded without deduction: provided that the sum claimed amounts to not less than Rs. (3) three for each export-certificate. * * * *
Ditto, No. VII.	35. Imported goods on which the importer is unwilling to pay the octroi leviable at the time of importation may be deposited for safe custody in a bonded warehouse. Any importer wishing to send goods to a bonded warehouse must declare the description, weight, quantity or, if necessary, the value of the goods at the import-station; and he will then be furnished with a pass or permit, under which the goods may be removed to the warehouse. The importer must at once deliver his pass to the munshi or other officer in charge of the warehouse, who, after satisfying himself as to its correctness, will sign the receipt attached thereto and hand it back to the importer.
Ditto, No. VII.	36. A return shall be prepared daily at each import-station of all passes issued for goods to be deposited in a bonded warehouse; and with this return the accounts of the munshi or other officer in charge of the warehouse shall be checked daily. In the event of the munshi or other officer aforesaid discovering that the articles on arrival do not correspond with the description, etc., given in the pass, he shall report the matter for orders.

<sup>1</sup> As amended by the Notification referred to in the note on the preceding page.<sup>2</sup> Added by the Notification referred to in the note on the preceding page.<sup>3</sup> Added by the same Notification.

\* The words here omitted were repealed by the same Notification.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1859—contd.***The Mhow Cantonment Taxation Regulations | *contd.***

Enactment or Rule.	Adapted Form.
	<b>II.—OCTROI-DUTIES—<i>contd.</i></b>
<p>Rules for collection of octroi-duties in the Hyderabad City Municipality (Sindh), No. VIII.</p>	<p>37. The owner of goods deposited in a bonded warehouse may on application to the munshi or other officer in charge, break bulk and change the packing of such goods, and any portion thereof, being, in the case of piece-goods, not less than a single bale, and, in any other case, not less in quantity or weight than such amount as is liable to a duty of Rs. (3) three, may, on payment of full duty, be imported into the town under cover of a pass, without rendering the balance left in bond liable to duty or to any other charge, except warehouse-fees.</p>
<p>Ditto, No. VIII.</p>	<p>38. The payment of duty on any goods leaving the bonded warehouse for consumption within cantonment-limits will be without detriment to the importer's claim to a refund if the goods are afterwards exported. When goods are removed from a warehouse and the duty thereon paid, the necessary alteration will be made in the receipt given to the importer under section 35, and a receipt for the duty will be granted in accordance with section 32.</p>
<p>Ditto, No. VIII.</p>	<p>39. Should any goods be removed from a bonded warehouse for exportation, they will go free of duty direct to the exit-station under cover of a pass, which must be delivered to the officer at the exit-station. The said officer, after certifying the date of export on the pass, will forward it as he may from time to time be directed. In the case of any deficiency in the quantity, value or weight of the goods exported, the holder of the pass will be required to pay the duty on such deficiency.</p>
<p>Ditto, No. VIII.</p>	<p>40. The Cantonment Committee will, with the concurrence of the Governor General's Agent, from time to time determine what articles may be deposited in a bonded warehouse, and what warehouse-fees shall be charged for their detention therein. The said fees shall be fixed with a view to the income realized therefrom being sufficient to cover the expenditure incurred on the warehouse, but shall not exceed one anna per bale or package per diem.</p>
<p>Ditto, No. VIII (d).</p>	<p>41. Should the fees be not paid punctually when due, such part of the goods as is likely to cover the amount of the fees due shall be sold by auction. The fees on perishable goods shall be payable in advance, and, if not so paid, such goods shall be sold by auction. In both cases the balance, after deduction of the dues, shall be made over to the owner of the goods.</p>
<p>Ditto, No. VIII (e).</p>	<p>42. During the detention of any goods at a bonded warehouse, the Cantonment Committee will be responsible for their ordinary protection, but not for any loss not caused by the neglect or fault of their servants.</p>

CHAPTER III.—II(1)—THE MHOW GANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*The Mhow Cantonment Taxation Regulations—*contd.*

Enactment or Rule.	Adapted Form.
	II.—OCTROI-DUTIES— <i>concl'd.</i>
Rules for collection of octroi-duties in the Hyderabad City Municipality (Sindh), No. VIII (g).	43. The Cantonment Committee may recognize any private godown as a bonded warehouse, taking suitable precautions for locking it up, and charging such fees for the attendance of their munshis or peons thereat as they think fit : provided that full duty shall be levied on all articles removed from such godown for consumption within cantonment limits, and that no octroi-duty shall be charged on articles exported therefrom within [three months] of their original import. The Committee will decide what receipts or passes must be given in each case.
Ditto, No. XVI.	44. A schedule of the octroi-duties leviable, and of the circumstances under which any articles named therein are exempt, and a precise list of all articles assessed <i>ad valorem</i> , and a copy of sections 26 to 46, both inclusive, of these regulations, in English and in the Marathi and Urdu languages, shall be furnished to every person employed to collect the said duties, and shall be fixed up in a conspicuous position at each place appointed for collecting the same.
The Bombay District Municipal Act, section No. 84.	45. All octroi-duties not paid on demand, and all expenses reasonably incurred in connection therewith, may be recovered, after a summary inquiry by the Cantonment Magistrate, in the manner provided in the Code of Criminal Procedure <sup>1</sup> for the levy of fines.
Act XV of 1883, section 64, sub-section (1), clause (c), and sub-section (2).	46. Whoever does anything in contravention of these regulations relating to octroi-duties, or evades or attempts to evade, or abets the evasion of, payment of octroi-duty, shall for each offence be punishable with fine not exceeding fifty rupees.
The Bombay Municipal Acts, 1872 and 1878, Schedule C.	FORM A (see section 18). <i>Notice of Demand.</i> Take notice that the Cantonment Magistrate demands from (you) the sum of _____ due from (you) ( <i>here escribed the property upon which the rate is imposed</i> ) for the months of _____ 18 ____; and that if the sum due is not paid into the said Cantonment Magistrate's office at _____, or if sufficient cause for the non-payment of the sum is not shown to the Cantonment Magistrate within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.  <i>Signature of the Cantonment Magistrate.</i>  <i>Date.</i>

<sup>1</sup> The words "three months" were substituted for "one year" by Notification No. 1703-I., dated the 20th May, 1890, printed, *infra*, p. 161.<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 63.

**B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—contd.**

### The Mhow Cantonment Taxation Regulations—concl'd.

Enactment or Rule.	Adapted Form.
<p>The Bombay Municipal Acts, 1872 and 1878, Schedule D.</p>	<p style="text-align: center;">FORM B (<i>see section 18</i>).</p> <p style="text-align: center;"><i>Distress Warrant.</i></p> <p>To</p> <p>(<i>Here insert the name of the Officer charged with the execution of the Warrant.</i>)</p> <p>Whereas _____ of _____ has not paid, or shown sufficient cause for the non-payment of, the sum of _____ rupees due for the rates mentioned in the margin for the months of _____ 18 _____, although the said sum has been duly demanded in writing from the said _____, and fifteen days have elapsed since the service of the notice of demand; This is to command you to distrain the goods and chattels of the said _____</p> <p>(<i>or, as the case may be, any goods and chattels found on the premises referred to</i>) to the amount of the said sum of _____ rupees, and such further sum as may be sufficient to defray the charges of taking, keeping and selling such distress; and, if within five days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of _____ rupees and the charges of taking, keeping and selling such distress, to return the surplus, if any, on demand to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and the chattels of the said _____, you are to certify the same to me, together with this warrant.</p> <p style="text-align: right;"><i>Signature of the Cantonment Magistrate.</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">FORM C (<i>see section 20</i>).</p> <p style="text-align: center;"><i>Form of Inventory and notice.</i></p> <p>(<i>State particulars of goods seized.</i>)</p> <p>Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of _____ rupees due for the rates mentioned in the margin for the months of _____ 18 _____; and that unless you pay into the office of the Cantonment Magistrate the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.</p> <p style="text-align: right;"><i>(Signature of the Officer executing the Warrant of Distress.)</i></p>
<p>The Bombay Municipal Acts of 1872 and 1878, Schedule E.</p>	

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.*B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.***The Mhow Cantonment Taxation Regulations—*concl'd.***

Enactment or Rule.	Adapted Form.
The Bombay Municipal Acts, of 1872 and 1878, Schedule F.	TABLE D ( <i>see section 21</i> ).
	<i>Table of Fees payable in Distraints under these Regulations.</i>
	Sum distrained for.
	Under 5 rupees . . . . .
	Rupees 5 and under 10 . . . . .
	" 10       " 15 . . . . .
	" 15       " 20 . . . . .
	" 20       " 25 . . . . .
	" 25       " 30 . . . . .
	" 30       " 35 . . . . .
	" 35       " 40 . . . . .
	" 40       " 45 . . . . .
	" 45       " 50 . . . . .
	" 50       " 60 . . . . .
	" 60       " 80 . . . . .
" 80       " 100 . . . . .	
Above 100 rupees . . . . .	
The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.	

[See *Gazette of India*, 1885, Pt. I, p. 416.]**Notification imposing a dog-tax and rules for recovery thereof.**

*No. 1877-I., dated the 9th May, 1889.*—In exercise of the powers conferred by section 21 of the Cantonments Act, III of 1880,<sup>1</sup> as extended to the Cantonments of Mhow \* \* \* \* the Governor General in Council is pleased to sanction the imposition in these cantonments respectively of the following tax, in addition to all taxes now leviable in such cantonments :—

Nature of tax.	Amount.
For every dog of the age of six months or more payable by the persons owning or having charge of such dog within the limits of any of the said cantonments :	One Rupee per calendar year.

Provided that no such tax shall be leviable in any such Cantonments—

- (a) from any warrant officer or from any non-commissioned officer or soldier of Her Majesty's regular forces ; or
- (b) from any person not residing for more than thirty days in the year within the limits of such cantonment.

<sup>1</sup> See now ss. 2 (2) and 17 of Act XIII of 1889, which was applied to this Cantonment by Notification No. 1375-1., dated the 25th April, 1890, printed, *supra*, p. 95.



**CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***

**B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.***

*Notifications under the Cantonments Act, 1889—contd.*

**Notification imposing a dog-tax and rules for the recovery thereof—*contd.***

*No. 1678-I., dated the 9th May, 1889.*—In exercise of the powers conferred by section 22 of the Cantonments Act, III of 1880,<sup>1</sup> as extended to the Cantonment of Mhow \* \* \* \* and with reference to the last preceding Notification imposing a dog-tax in these cantonments, the Governor General in Council is pleased to apply to the said cantonment \* \* \* the following rules in force in the Municipality of Belgaum in the Bombay Presidency for the recovery of the said tax :—

*Rules.*

The dog-tax shall be paid by the persons liable for the same, either in person or by agent, at the office of the Cantonment Magistrate, on or before the first day of March in each year for which the tax is leviable.

In default of such payment, the tax shall, upon information laid before a Magistrate, be recoverable by a summary proceeding in the manner provided in the Code of Criminal Procedure.<sup>2</sup>

[See *Gazette of India*, 1889, Pt. I, p. 263.]

**Amendment of Notification imposing taxes in Mhow.**

*No. 3842-I., dated the 1st October, 1889.*—In exercise of the powers conferred by section 21 of the Cantonments Act, 1880,<sup>1</sup> as applied to the Cantonment of Mhow by Foreign Department Notification No. 32-I.J., dated the 27th January, 1881, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following amendments in Foreign Department Notification No. 2527-I., dated the 30th July, 1885, imposing certain taxes in the Cantonment of Mhow, with effect from the 1st July, 1889, namely :—

(a) For Part I (property rates), clauses (1) and (2), beginning with the words “ a Police rate ” and ending with the words “ or fraction thereof,” the following shall be substituted, namely :—

(*Vide* Notification No. 2527-I., printed, *supra*, p. 137.)

(b) In the second proviso to the said Part I, the words “ general rate ” shall be substituted for the words “ conservancy rate.”

[See *Gazette of India*, 1889, Pt. I, p. 539.]

*No. 686-I., dated the 11th February, 1891.*—In substitution for Foreign Department Notification No. 3172-I., dated the 25th September, 1890, the Governor General in Council is pleased to issue the following Notification, which shall be deemed to have been in force from the 29th May, 1890, the date of the Notification which was cancelled by Notification No. 3172-I., dated the 25th September, 1890.

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2691-A., dated the 7th October, 1898, printed, *supra*, p. 83. The Code is printed in the General Acts, Vol. VI, Ed. 1898, p. 380.

<sup>2</sup> See now ss. 2 (2) and 17 of Act XIII of 1889, which was applied to this Cantonment by Notification No. 1375-I., dated the 25th April, 1890, printed, *supra*, p. 95.

CHAPTER III.—II (I)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Amendment of Notification imposing taxes in Mhow—*contd.***

In exercise of the powers conferred by section 17, sub-section (1), of the Can-<sup>XIII of</sup> tonments Act, 1889, as applied to the Cantonment of Mhow by Foreign Depart-<sup>1889.</sup> ment Notification No. 1375-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following amendment in Foreign Department Notification No. 2527-I., dated the 30th July, 1885, imposing certain taxes in the Cantonment of Mhow, and with effect from the 1st June, 1890, namely :—

In Part II (Octroi-duties), for the existing schedule the following shall be substituted :

[See the schedule attached to Notification No. 2527-I.—printed, *supra*, p. 137.]

[See *Gazette of India*, 1891, Pt. I, p. 93.]

No. 883-I., dated the 26th February, 1892.—In exercise of the powers conferred by section 17, sub-section (1) of the Cantonments Act, 1889, as applied to<sup>XIII of</sup> the Cantonment of Mhow by the Notification of the Government of India in the<sup>1889.</sup> Foreign Department, No. 1375-I., dated the 25th April 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following addition to the Schedule of Octroi Duties to be levied in the Mhow Cantonment, published in the Notification of the Government of India in the Foreign Department, No. 686-I., dated the 11th February, 1891, namely :—

[ See last entry to the schedule referred to as printed, *supra*, p. 144.]

[See *Gazette of India*, 1892, Pt. I, p. 116.]

**Amendment of the Mhow Taxation Regulations.**

No. 3843-I., dated the 1st October 1892.—In exercise of the powers conferred by section 22 of the Cantonments Act, 1880,<sup>1</sup> as applied to the Cantonment of Mhow<sup>III of</sup> by Foreign Department Notification No. 32-I.J., dated the 27th January, 1881,<sup>1880.</sup> and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the provisions of the Mhow Cantonment Taxation Regulations, as published under Foreign Department Notification No. 2528-I., dated the 30th July 1885,<sup>2</sup> shall continue to apply to the assessment and collection of the taxes leviable in the Cantonment of Mhow under Foreign Department No. 2527-I.,<sup>3</sup> of the same date as amended by Notification No. 3842-I. of this date, and with effect from the 1st July, 1889, subject to the following modifications, namely :—

(a) The expression “property rates” as used in the said Regulations shall include the general rates and the water-rates imposed under the last aforesaid Notification.

(b) To section 2 the following shall be added, namely :—

“Provided also that the water-rates shall be payable by the tenant of the house,

<sup>1</sup> See now ss. 2 (2) and 17 of Act XIII of 1889, which was applied to this Cantonment by Notification No. 1375-I., dated the 25th April, 1890, printed, *supra*, p. 95.

<sup>2</sup> Printed, *supra*, p. 148.

<sup>3</sup> Printed, *supra*, p. 139.

CHAPTER III.—II (1) THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Amendment of Mhow Taxation Regulations—*contd.***

building or land upon which they are assessed, where the landlord has defrayed the expense of laying down the connecting pipes, but not otherwise.”

- (c) The last paragraph of section 3 and the whole of section 22 shall be omitted.
- (d) In section 6 the words “the *Gazette of India* and ” shall be inserted immediately before the words “the *Bombay Government Gazette*.”
- (e) For the first paragraph of section 23, the following shall be substituted namely :—

“When any house, building or land, or any portion of a house let as a separate tenement or for lodgings or godowns, shall be or become vacant for a month or more in any one quarter, the Cantonment Magistrate shall remit or refund, as the case may be, one-half the property rates leviable in respect of that quarter, and if vacant during the whole of any one quarter, he shall remit or refund the whole of that quarter’s property rates.

[See *Gazette of India*, 1889, Pt. I, p. 540.]

**III of 1889.** *No. 1793-I., dated the 20th May, 1890.*—In exercise of the powers conferred by section 17, sub-section (2), of the Cantonments Act, 1889, as applied to the Cantonment of Mhow by Foreign Department Notification No. 1375-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following additional modifications<sup>1</sup> in the Mhow Cantonment Taxation Regulations as published under Foreign Department Notification No. 2528-I., dated the 30th July, 1885, and amended by Foreign Department Notification No. 3843-I., dated the 1st October, 1889, and with effect from the 1st June, 1890, namely :—

- (a) to section 31 the following shall be added, namely :—

[*Fide supra*, p. 154.]

- (b) In section 32 for the words “one year” the words “one week” shall be substituted.

- (c) In section 33 between the words “exports” and “goods” the words “within three months of the date of the said receipt” shall be inserted, and to the same section the following shall be added, namely :—

[*Fide supra*, p. 154.]

- (d) In section 34, between the words “certificate” and “accompanied” the words “within one week of its having been granted” shall be inserted, and the last sixteen words of the section shall be omitted.
- (e) In section 43, for the words “one year” the words “three months” shall be substituted.

[See *Gazette of India*, 1890, Pt. I, p. 399.]

<sup>1</sup> These modifications have been incorporated in Notification No. 2528-I., dated 30th July, 1885, printed, *supra*, p. 148.

CHAPTER III.—II (1)—THE MHOW CANTONMENT—*contd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.,***Levy of Octroi Duties on Articles imported into Mhow.**

*No. 4358-I., dated the 22nd December, 1893.*—In exercise of the powers conferred by section 17, sub-section (1), of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Mhow by the Notification of the Government of India in the Foreign Department<sup>1</sup>, No. 1375-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the octroi duties specified in the schedule to the Notification of the Government of India in the Foreign Department<sup>2</sup>, No. 2527-I., dated the 30th July, 1885, as amended by subsequent Notifications, shall be levied upon all articles named in the said schedule which are imported into the Cantonment of Mhow for sale, consumption, or use therein.

[See *Gazette of India*, 1893, Pt. I, p. 691.]

**Exemption of green fodder for Silahdar Cavalry from Octroi Duty.**

*No. 3257-I.A., dated the 8th December, 1898.*—In exercise of the powers conferred by section 20, sub-section (1), of the Cantonments Act, 1889 (XIII of 1889), as applied to the Cantonments of Mhow, Neemuch and Nowgong, respectively, by the Notifications of the Government of India in the Foreign Department, Nos. 1375-I. and<sup>3</sup> 1376-I., dated the 25th April, 1890, and<sup>4</sup> No. 5024-I., dated the 24th December, 1891, the Governor General in Council is pleased to exempt from octroi duty green fodder brought into the said cantonments for the exclusive and direct use of any Native Silahdar Cavalry regiment.

[See *Gazette of India*, 1898, Pt. I, p. 1170.]

**Application of the Contagious Disease Rules for Cantonments in British India to Mhow.**

*No.-1290-I.A., dated the 13th May, 1898.*—In exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), as applied to the Cantonments of *Secunderabad*, Mhow, Neemuch and *Deesa* by the Notifications of the Government of India in the Foreign Department, Nos. 1374—1377-I., dated the 25th April, 1890, respectively, and to the Cantonments of Nowgong, *Baroda* and *Bhuj* by the Notifications of the Government of India in the Foreign Department, No. 5024-I., dated the 24th December, 1891, No. 1977-I., dated the 8th May, 1891, and No. 2840-I., dated the 9th July, 1891, respectively, the Governor General in Council is pleased to declare that the rules made under the said Act for all Cantonments in British India and published with the Notification of the Government of India in the Military Department,<sup>5</sup> No. 1148 (Judicial), dated the 15th October, 1897, shall be in force in the Cantonments of *Secunderabad*, Mhow, Neemuch, *Deesa*, Nowgong, *Baroda* and *Bhuj*, respectively.

[See *Gazette of India*, 1898, Pt. I, p. 474.]

<sup>1</sup> Printed *supra*, p. 95.

<sup>3</sup> Printed *infra*, p. 176.

<sup>2</sup> Printed *supra*, p. 139.

<sup>4</sup> Printed *infra*, p. 222.

<sup>5</sup> See *Gazette of India*, 1896, Pt. I, p. 941.

CHAPTER III.—II(1)—THE MHOW CANTONMENT—*concl'd.***B.—British-Mhow Cantonment Enactments—2.—Local Rules and Order under Acts—*concl'd.****Notifications under the Cantonments Act, 1889 —concl'd.***Application of additional rule regarding Contagious Diseases to Mhow.**

*No. 1097-I.A., dated the 28th April, 1899.*—In continuation of the Notification of the Government of India in the Foreign Department, No. 1290-I.A., dated the 13th May, 1898, and in exercise of the powers cited therein, the Governor General in Council is pleased to apply the rule made for all Cantonments in British India and published with the Notification of the Government of India in the Military Department,<sup>1</sup> No. 229 (Judicial), dated the 3rd March, 1899, to the Cantonments of *Secunderabad*, *Mhow*, *Neemuch*, *Deesa*, *Nowgong*, *Baroda* and *Bhuji*, respectively.

[See *Gazette of India*, 1899, Pt. I, p. 277.]

**Application of the Cantonment Fund Rules to Mhow.**

*No. 3548-I.A., dated the 21st November, 1896.*—In exercise of the powers conferred by section 27 of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Mhow by the Notification of the Government of India in the Foreign Department, No. 1375-I., dated the 25th April, 1890, the Governor General in Council is pleased to declare that the rules published with the G. O. of the Government of India in the Military Department, No. 597,<sup>2</sup> dated the 22nd May, 1896, shall be in force in the Cantonment of Mhow.

[See *Gazette of India*, 1896, Pt. I, p. 953.]

**Delegation of powers under the Epidemic Disease Act (III of 1897).**

*No. 444-I.A., dated the 4th February, 1897.*—printed, *infra*, p. 349.

**Delegation of powers under the Epidemic Diseases Act, III of 1897.**

*No. 1421-I.A., dated the 15th April, 1897.*—Whereas the Epidemic Diseases Act (III of 1897), has been applied to, amongst other places, the Cantonments of Mhow, Neemuch and Nowgong, by the Notification of the Government of India in the Foreign Department, No. 443-I.A., dated the 4th February, 1897;

In exercise of the powers conferred by section 2, sub-section (3), of the said Act as so applied, the Governor General in Council is pleased to direct that all the powers conferred by section 2, sub-section (1), thereof may be exercised by the Local Government.

[See *Gazette of India*, 1897, Pt. I, p. 274.]

<sup>1</sup> See *Gazette of India*, 1899, Pt. I, p. 134.

<sup>2</sup> See *Gazette of India*, 1896, Pt. I, p. 379.

CHAPTER III.—II(2)—THE NEEMUCH CANTONMENT.

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## CHAPTER III.

CANTONMENTS—*contd.*

## II (2)—CANTONMENT OF NEEMUCH.

(Gwalior.)

The British Enactments in force locally in the Cantonment of Neemuch treated separately consist of—

*A.—British-Indian Enactment, namely,—*

Local Order under an Act in force generally in all Native States in India.

*B.—British-Neemuch Enactments, namely,—*

## 1.—Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

## 2.—Local Rules and Orders—

under Acts of the Governor General in Council locally applied.

## CHAPTER III.—II(2)—THE NEEMUCH CANTONMENT.

*A.—British-Indian Enactment.*

## LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 & 24 (2)	Appointment of a Registrar of Births and Deaths with reference to section 11 (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-I., dated the 30th September, 1891. [ Printed, <i>supra</i> , p. 60.]

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.**B.—British-Neemuch Cantonment Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Extent of application.	Notification.
Workmen's Breach of Contract Act, 1859 (XIII of 1859). <sup>2</sup>	The whole Act, so far as circumstances admit, as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [ Printed, <i>supra</i> , p. 97.]
Indian Penal Code, 1860 (Act XLV of 1860).	Ditto . . . . .	Ditto.
Whipping Act, 1864 (VI of 1864) .	Ditto . . . . .	Ditto.
Indian Succession Act, 1865 (X of 1865). <sup>3</sup>	Ditto . . . . .	No. 4561-I.B., dated the 22nd December, 1897. [ See Gazette of India, 1897, Pt. I, p. 1155.]
Court-fees Act, 1870 (VII of 1870)	Ditto . . . . .	No. 5022-I., dated the 24th December, 1891. [ Printed, <i>supra</i> , p. 97.]
Cattle Trespass Act, 1871 (I of 1871). <sup>3</sup>	Ditto . . . . .	No. 970-I., dated the 20th March, 1895. [ See Gazette of India, 1895, Pt. I, p. 218.]
Indian Evidence Act, 1872 (I of 1872).	Ditto . . . . .	No. 5022-I., dated the 24th December, 1891. [ Printed, <i>supra</i> , p. 97.]
Contract Act, 1872 (IX of 1872) .	Ditto . . . . .	Ditto.
Specific Relief Act, 1877 (I of 1877). <sup>3</sup>	Ditto . . . . .	No. 4561-I. B., dated the 22nd December, 1897. [ See Gazette of India, 1897, Pt. I, p. 1155.]
Indian Registration Act, 1877 (III of 1877).	The whole Act, so far as it may be suitable.	No. 1367-I., dated the 25th April, 1890. [ Printed, <i>supra</i> , p. 93.]
Indian Limitation Act, 1877 (XV of 1877).	The whole Act, so far as circumstances admit, and as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [ Printed, <i>infra</i> , p. 97.]
Arms Act, 1878 (XI of 1878) .	Ditto . . . . .	Ditto.
Registration Act Amendment Act, 1879 (XII of 1879).	So far as it amends the Registration Act (III of 1877), and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [ Printed, <i>supra</i> , p. 93.]
Hackney Carriages Act, 1879 (XIV of 1879).	The whole Act, so far as it is suitable, and see the Notification,	No. 2683-I., dated the 15th August, 1895. [ Printed, <i>infra</i> , p. 174.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.<sup>3</sup> These Acts have been incorporated in Notification No. 5022-I., dated the 24th December, 1891, in which they were inserted as directed by the Notification cited opposite each in column 3.



CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.**B.—British-Neemuch Cantonment Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED<sup>1</sup>—*contd.*

Act.	Extent of application.	Notification.
Transfer of Property Act, 1882 (IV of 1882). <sup>2</sup>	The whole Act, so far as circumstances admit, and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Code of Civil Procedure (Act XIV of 1882).	Ditto . . . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Indian Income-tax Act, 1886 <sup>3</sup> (II of 1886).	See the Notification . . . . .	No. 295-I., dated the 26th January, 1887. [Printed, <i>infra</i> , p. 175.]
Registration Act, Amendment Act, 1888 (VII of 1888).	So far as it amends the Registration Act, and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 93.]
Debtors Act, 1888 (VI of 1888)	Sections 2 to 8, both inclusive, as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Registration Act, Amendment Act, 1888 (VII of 1888).	Section 65, so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 93.]
Succession Certificates Act, 1889 (VII of 1889). <sup>2</sup>	The whole Act so far as circumstances admit and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Cantonments Act, 1889 (XIII of 1889).	The whole Act; and see the Notification.	No. 1376-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 176.]
Cantonments Act, 1897 (XV of 1897).	The whole Act . . . . .	No. 1288-I. A., dated the 13th May, 1898. [Printed, <i>supra</i> , p. 96.]

<sup>1</sup>See also Section I of this Chapter.<sup>2</sup>See third footnote on preceding page.<sup>3</sup>This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1908, p. 331.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.**B.—British-Neemuch Cantonment Enactments.*1.-(b) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject.	Notification.	Reference.
1889	Neemuch Small Cause Court Law . . . . .	<i>No. 1373-I., dated the 29th March, 1889, as amended by No. 1376-I., dated the 25th April, 1890.</i>	Printed, <i>infra</i> , p. 179.
	Notifying the Civil Judge's Court and Small Cause Court at Neemuch, among other Courts, as having been established or continued by the Governor General in Council.	<i>No. 1361-I., dated the 29th March, 1889.</i>	Printed, <i>infra</i> , p. 336.
1889 and 1890	Providing for— (1) Execution of decrees— (a) of British Indian Courts, by the Civil Judge's Court and Small Cause Court at Neemuch; (b) of the Civil Judge's Court and Small Cause Court at Neemuch, by Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States, by the Civil Judge's Court and Small Cause Court at Neemuch. (2) Service of summons— (a) of British Indian Courts, by the Civil Judge's Court and Small Cause Court at Neemuch; (b) of the Civil Judge's Court and Small Cause Court at Neemuch, by Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; (c) of certain Courts in Hyderabad, Mysore, Central India, and in Bombay Native States, by the Civil Judge's Court and Small Cause Court at Neemuch.	<i>Nos. 1362-I. to 1364-I., dated the 29th March, 1889, and 2183-I., dated the 2nd July, 1890.</i>  <i>Nos. 1366-I. to 1368-I., dated the 29th March, 1889, and No. 2183-I., dated the 2nd July, 1890.</i>	Printed, <i>infra</i> , pp. 338 to 340.  Printed, <i>infra</i> , pp. 342 & 343.
1891	Delegation of powers of Local Government for the purposes of certain enactments; providing for the administration of Criminal and Civil justice and the Police and repealing certain Notifications.	<i>No. 5022-I., dated the 24th December, 1891.</i>	Printed, <i>supra</i> , p. 97.
1898	Mhow, Neemuch and Nowgong Excise Law, 1898.	<i>No. 741, dated the 17th March, 1898.</i>	Printed, <i>supra</i> , p. 105.
1899	Applying the Rules in force in British India under the Arms Act, 1878 (XI of 1878).	<i>No. 2463 I.A., dated the 25th August, 1899.</i>	Printed, <i>supra</i> , p. 113.

<sup>1</sup> See also Section I of this Chapter.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.**B.—British-Neemuch Cantonment Enactments.***2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>**

Act.	Section.	Subject of Notification.	Reference.
Cattle Trespass Act, 1871 (I of 1871).	26	First portion of section 26 to be read as if it referred to cattle generally.	No. 5417, dated the 30th July, 189 [Printed, <i>infra</i> , p. 183.]
Indian Registration Act, 1877 (III of 1877).	4 to 8	Conferring powers, forming a district and sub-district, appointing a Registrar and Sub-Registrar therefor, fixing the offices of Registrar and Sub-Registrar, and appointing an Inspector of Registration offices.	No. 1369-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 183.]
Ditto . . .	69	Rules under the section . . .	No. 1466, dated the 8th April, 1890. [Printed, <i>supra</i> , p. 115.]
Ditto . . .	78 & 79	Prescribing a table of Registration fees.	No. 1372-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 131.]
Hackney Carriages Act, 1879 (XIV of 1879).	3 to 6	Rules under the Act . . .	No. 2685-I., dated the 15th August, 1895. [Printed, <i>infra</i> , p. 180.]
Cantonments Act, 1889 (XIII of 1889).	8	Appointment of a Small Cause Court Judge and fixing the limits of value of suits cognizable by him.	No. 4037-I., dated the 27th November, 1893. [Printed, <i>infra</i> , p. 188.]
Ditto . . .	17 (1)	Tax on dogs other than those owned by warrant officers, non-commissioned officers and soldiers of the regular forces.	No. 1877-I., dated the 19th May, 1889. [Printed, <i>infra</i> , p. 188.]
Ditto . . .	„	Imposition of a property rate . . .	No. 3537-I., dated the 6th May, 1895. [Printed, <i>infra</i> , p. 189.]
Ditto . . .	„	Octroi duties . . .	No. 2618-I., dated the 24th June, 1891. [Printed, <i>infra</i> , p. 190.]
Ditto . . .	17 (2)	Rules for the assessment and recovery of octroi duties.	No. 2619-I., dated the 24th June, 1891. [Printed, <i>infra</i> , p. 197.]
Ditto . . .	„	Rules for the recovery of the tax on dogs.	No. 1878-I., dated the 9th May, 1889. [Printed, <i>infra</i> , p. 188.]
Ditto . . .	„	Rules for the assessment and recovery of the property rate.	No. 3538, dated the 6th May, 1895. [Printed, <i>infra</i> , p. 202.]
Ditto . . .	20 (1)	Exemption of green fodder for Native Silahdar Cavalry from octroi duty.	No. 3257-I.A., dated the 8th December, 1898. [Printed, <i>supra</i> , p. 165.]

<sup>1</sup> See also Section I of this Chapter.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.**B.—British-Neemuch Cantonment Enactments.***2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED<sup>1</sup>—*contd.***

Act.	Section.	Subject of Notification.	Reference.
Cantonments Act, 1889 (XIII of 1889). — <i>contd.</i>	26 & 2	Applying the Contagious Diseases Rules made for all Cantonments in British India by Notification No. 1148, <sup>2</sup> dated the 15th October, 1897.	No. 1290-I.A., dated the 13th May, 1898. [Printed, <i>supra</i> , p. 165.]
Ditto . . .	„	Applying the Additional Contagious Diseases Rules made by Notification No. 229-J., <sup>3</sup> dated the 3rd March, 1899, for all Cantonments in British India.	No. 1097-I.A., dated the 28th April, 1899. [Printed, <i>supra</i> , p. 166.]
Ditto . . .	27	Applying the Cantonment Fund Rules published in Military Department G. O. No. 597, <sup>4</sup> dated the 22nd May, 1896.	No. 3549-I.A., dated the 21st November, 1896. [Printed, <i>infra</i> , p. 212.]
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegation of powers conferred by section 2 (1) to the Local Government.	No. 1421-I.A., dated the 15th April, 1897. [Printed, <i>supra</i> , p. 166.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> See *Gazette of India*, 1897, Pt. I, p. 941.<sup>3</sup> See *Gazette of India*, 1899, Pt. I, p. 134.<sup>4</sup> See *Gazette of India*, 1896, Pt. I, p. 379.

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CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*

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**A.—BRITISH-INDIAN ENACTMENT.**

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**Local order under an Act in force generally in all Native States.**

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**Appointment of a Registrar of Births and Deaths and a Registrar General.**

*No. 3998-I., dated the 30th September, 1891.*—printed, *supra*, p. 60.

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**B.—BRITISH-NEEMUCH CANTONMENT ENACTMENTS.**

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**1.-(a) Notifications applying Acts of the Governor General in Council.**

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**The Lunatic Asylums Act, 1858 (XXXVI of 1858) as amended by Act XVIII of 1886 and Act XX of 1889.**

*No. 5019-I., dated the 23rd December, 1891.*—printed, *supra*, p. 74.

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**The Police Act, 1861 (V of 1861).**

*No. 841 (b)-I.B., dated the 1st April, 1899.*—printed, *supra*, p. 74.

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**The Indian Registration Act, 1877 (III of 1877) as amended by Acts XII of 1879, VII of 1886 and VII of 1888.**

*No. 1367-I., dated the 25th April, 1890.*—printed, *supra*, p. 93.

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**The Indian Stamp Act, 1879 (I of 1879).<sup>1</sup>**

*No. 1366-I., dated the 25th April, 1890.*—printed, *supra*, p. 82.

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**The Hackney Carriage Act, 1879 (XIV of 1879).**

*No. 2683-I., dated the 15th August, 1895.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Coun-

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<sup>1</sup> Repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.*****The Hackney Carriage Act, 1879 (XIV of 1879)—*contd.***

oil is pleased to apply the provisions of the Hackney Carriage Act (XIV of 1879) to the Cantonment of Neemuch, so far as they may be suitable :

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Cantonment of Neemuch may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

[See *Gazette of India*, 1895, Pt. I, p. 709.]

**The Indian Income-tax Act, 1886 (II of 1886).<sup>1</sup>**

No. 295-I., dated the 26th January, 1887.—The Governor General in Council is pleased to extend Act II of 1886 (An Act for imposing a tax on income derived from sources other than agriculture) to the Cantonment of Neemuch, subject to the modifications hereinafter set forth :—

- (1) For “British India”, wherever the phrase occurs, read “the Cantonment of Neemuch”.
- (2) In sections 22 and 43 for “India” read “the Cantonment of Neemuch”.
- (3) In section 30 (1), for “any part of the territories administered by the Local Government to which he is subordinate” and, in section 38 (1) for “the territories subject to that Government”, read “the Cantonment of Neemuch”.
- (4) For “a Local Government” and “the Local Government” wherever those phrases occur, read “the Agent to the Governor General in Central India”.
- (5) In sections 27 and 34 (2), for “the Commissioner of the Division”, in section 28 (in both places in which the word occurs) for “Commissioner”, and in section 40 for “a Commissioner of Division”, read “the Political Agent, Western Malwa”.<sup>2</sup>
- (6) In section 1, for “sub-section (1),” read “(1), This Act extends to the Cantonment of Neemuch,” and for “the passing of this Act,” in sub-section (3), read “the date of this Notification”.
- (7) In section 3, for “clause (9),” read “(9) ‘Collector’ means the Cantonment Magistrate of Neemuch”.
- (8) In section 23, third clause, insert “or” after “receiver.”
- (9) Omit the following :—

(a) Section 2 and the first Schedule :

(b) In section 3—

“body of port commissioners” in clause (1), clause (5) from and including “and includes”;

“a Presidency Magistrate or” in clause (6):

<sup>1</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

<sup>2</sup> Now known as the Political Agent, Malwa.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.*****The Indian Income-tax Act, 1886 (II of 1886)—*contd.***

- (c) In section 18—  
 clause (c) of sub-section (1) ; “ or clause (c) ” in sub-sections (2) and (3) ; “ or served ” in sub-section (3) :
- (d) In section 22—  
 “ the Courts of Wards, the Administrators General of Bengal Madras and Bombay, and the Official Trustees ” :
- (e) In section 23—  
 “ A Court of Wards, and Administrator General or an Official Trustee ” in the second clause ;  
 “ or Court,” “ or its,” and “ Court of Wards, Administrator General or Official Trustee ” in the third clause :
- (f) In section 32, clause (c), “ district or districts ” :
- (g) In section 43, “ or a Court of Wards, Administrator General or Official Trustee ” :
- (h) Sections 47 and 48 :
- (i) In the second Schedule, Part I, Article 2 :
- (10) For the period ending on the 31st day of March, 1887, the Act shall be read as though the dates specified in the second column of the following table were substituted for those specified against them in the first column :—

1	2
Thirty-first day of March.	Thirty-first day of January.
First day of April, 1886.	First day of February 1887.
Fifteenth day of April.	Fifteenth day of February.
First day of June.	First day of April, 1887.

[See *Gazette of India*, 1887, Pt. I, p. 49.]

**Application of certain Acts.**

*No. 5022-I., dated the 24th December, 1891.—printed, supra, p. 97.*

**The Cantonments Act, 1889 (XIII of 1889).**

*No. 1376-I., dated the 25th April, 1890.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Cantonments Act (XIII of 1889), so far as circumstances admit, to the Cantonment of Neemuch, subject to the following modifications :—

- (1) For the words “ Local Government ” wherever they occur the word “ Governor General’s Agent in Central India ” shall be substituted.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—1.—(a) Notifications applying Acts—*contd.*****The Cantonments Act 1889 (XIII of 1889)—*contd.***

(2) For section 4 the following words shall be substituted :—

“ 4. The Governor General in Council may, by Notification in the official Gazette, define or alter the limits of the Cantonment of Neemuch for the purposes of this Act and of all other enactments for the time being in force.”

(3) For section 7 the following section shall be substituted :—

“ 7. The Cantonment Magistrate shall be such person as the Governor General in Council from time to time, by name or in virtue of his office, appoints in this behalf, and shall exercise the powers of a District Magistrate and such other powers described in the Code of Criminal Procedure, 1882,<sup>1</sup> as the Governor General in Council may from time to time confer upon him.” X of 1882

(4) For the first portion of section 8 down to and including the word “ order ” the following words shall be substituted :—

“ (8) The Governor General in Council may appoint the Cantonment Magistrate to be the Judge of the Court of Small Causes in the Cantonment of Neemuch, and shall in his order”.

\* \* \* \* \*

(6) In section 17, for the words “ the territories administered by such Government ” each time they occur the words “ British India ” shall be substituted.

(7) In sub-section (1) of section 18, for the words “ any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force ” the words “ the Cantonment of Neemuch ” shall be substituted.

(8) For sub-sections (1) and (2) of section 27 the following shall be substituted, namely :—

“ (1) Whenever the Governor General in Council has, by a Notification in the *Gazette of India*, extended, under section 25, any enactment in any form to any Cantonment or any part of any Cantonment in British India, or made, under section 26, any rule for any such Cantonment or any part of any such Cantonment, the Governor General in Council may, by Notification in the *Gazette of India*, declare the enactment or rule extended or made, to be in force in the Cantonment of Neemuch or any part thereof, subject to such restrictions and modifications, if any, as he thinks fit.

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 83.

<sup>2</sup> Clause 5 is repealed by Notification No. 841 (b)-I.B., dated 1st April, 1899 printed, *supra*, p. 74.



CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*

**B.—British-Neemuch Cantonment Enactments—1.—(a) Notifications applying Acts—*concl'd.***

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The Cantonment Act, 1889 (XIII of 1889)—*concl'd.*

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“(2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Neemuch or the part thereof, as the case may be, until the Governor General in Council otherwise directs.”

II.—For the purpose of facilitating the application of the Cantonments Act, XIII of 1889, 1889, in the Cantonment of Neemuch, any Court in the said Cantonment may construe it with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

III.—The Notification of the Government of India in the Foreign Department, No. 35-I.J., dated the 27th January, 1881 [extending the Cantonments Act (III of 1880), to the Cantonment of Neemuch], and the portion of sub-section (1) of section 3 of the Neemuch Small Cause Court Law, 1889, from and after the words “and shall be deemed” to the end of the sub-section, are hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 264.]

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The Revenue Recovery Act, 1890 (I of 1890).

No. 1415-I., dated the 30th April, 1890.—printed, *infra*, p. 347.

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The Epidemic Diseases Act, 1897 (III of 1897).

No. 443-I.A., dated the 4th February, 1897.—printed, *infra*, p. 349.

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The Cantonments Act Amendment Act, 1897 (XV of 1897).

No. 1288-I.A., dated the 13th May, 1898.—printed, *supra*, p. 96.

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The Code of Criminal Procedure, 1898 (Act V of 1898).

No. 2691-I.A., dated the 7th October, 1898.—printed, *supra*, p. 83.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—BRITISH-NEEMUCH CANTONMENT  
ENACTMENTS.

## 1.-(b) Special Local Laws.

Notification providing for the administration of Civil and Criminal Justice.

No. 5022-I., dated the 24th December, 1891.—printed, *supra*, p. 95.

## Neemuch Small Cause Court Law, 1889.

No. 1373-I., dated the 29th March, 1859.—Whereas it is expedient to amend the law relating to the Court of Small Causes in the Cantonment of Neemuch; the Governor General in Council has been pleased to make the following rules :—

## CHAPTER I.

## PRELIMINARY.

1. (1) These rules may be called the Neemuch Small Cause Court Law, 1889, Title and commencement. and are hereinafter referred to as “this Law”; and
- (2) They shall come into force on the first day of May, 1889.

Savings.

2. Nothing in this Law shall be construed to affect—

- (a) any proceedings before or after decree in any suit instituted before the commencement of this Law; or
- (b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature; or
- (c) any local law or any special law other than the Code of Civil Procedure XIV of 18 2. as applied to the Cantonment of Neemuch (that Code being hereinafter referred to as “the Code”).

## CHAPTER II.

## CONSTITUTION OF THE COURT OF SMALL CAUSES.

3. (1) The Court of Small Causes established in the Cantonment of Neemuch by Notification of the Government of India in the Foreign Department, No. 262, dated the thirty-first day of August, 1864<sup>1</sup> (hereinafter referred to as the Court of Small Causes), is hereby continued.<sup>2</sup> \* \* \*

(2) The local limits of the jurisdiction of the Court of Small Causes shall be the limits for the time being of the Cantonment of Neemuch, and the Court may be held at such place or places within those limits as the Agent to the Governor General in Central India may from time to time appoint.

<sup>1</sup> See *Gazette of India*, 1864, p. 703.

<sup>2</sup> The rest of this sub-section was cancelled by paragraph III of Notification No. 1376-I., dated the 25th April, 1890, printed, *supra*, p. 176.

CHAPTER III.—II (2).—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****Neemuch Small Cause Court Law, 1889—*contd.***

4. (1) The ministerial officers of the Court of Small Causes shall, in addition to any duties mentioned in this Law or in any other enactment for the time being in force as duties which are or may be imposed on any of them, discharge such duties of a ministerial nature as the Judge from time to time directs.

(2) The Agent to the Governor General in Central India may from time to time make rules consistent with this Law, and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of the Court of Small Causes such powers and duties as he thinks fit, and prescribing the mode in which powers and duties so conferred and imposed are to be exercised and performed.

## CHAPTER III.

## JURISDICTION OF THE COURT OF SMALL CAUSES.

5. (1) The Court of Small Causes shall not take cognizance of the suits specified (as being excepted from the cognizance of a Court of Small Causes) in the second schedule to the Provincial Small Cause Courts Act, 1887,<sup>1</sup> being Act IX of 1887 of the Acts of the Governor General of India in Council.

(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed the amount for the time being declared to be the pecuniary limit of the jurisdiction of the Court of Small Causes under the provisions of section 5 of the Cantonments Act shall be cognizable by the Court of Small Causes.

6. Save as expressly provided by this Law or by any other enactment for the time being in force, a suit cognizable by the Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes.

## CHAPTER IV.

## PRACTICE AND PROCEDURE.

7. (1) The procedure prescribed in the Chapters and sections of the Code which are specified in the second schedule thereto shall, so far as those Chapters and sections are applicable, be the procedure to be followed in the Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits:

Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of

<sup>1</sup> Printed, General Acts, Vol. V, Ed. 1898, p. 128.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—1.-(b) Special Local Laws—*contd.*****Neemuch Small Cause Court Law, 1889—*contd.***

the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(2) Where a person has become liable as surety under the proviso to sub-section (1), the security may be realized in manner provided by section 253 of the Code.

8. When the Judge of the Court of Small Causes is absent, the chief ministerial officer of the Court may exercise from time to time power which the Court possesses of adjourning the hearing of any suit or other proceeding, and fix a day for the further hearing thereof.

Adjournment of cases by chief ministerial officer.

9. (1) Notwithstanding anything in the foregoing provisions of this law when the right of a plaintiff and the relief claimed by him in the Court of Small Causes depend upon the proof or disproof of a title to immoveable property or other title which the Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

Return of plaints in suits involving question of title.

(2) When the Court returns a plaint under sub-section (1), it shall comply with the provisions of the second paragraph of section 57 of the Code and make such order with respect to costs as it deems just.

10. When an order specified in section 588, clause (29), of the Code is made by the Court of Small Causes, an appeal therefrom shall lie to the Political Agent of Western Malwa.<sup>1</sup>

Appeals from certain orders of the Court of Small Causes.

11. The Agent to the Governor General in Central India, for the purpose of satisfying himself that a decree or order made in any case decided by the Court of Small Causes was according to law, may call for the case and may pass with respect to any case so called for such order as he thinks fit.

Revision of decrees and orders of the Court of Small Causes.

12. Save as provided by this Law, a decree or order made under the foregoing provisions of this Law by the Court of Small Causes shall be final.

Finality of decrees and orders.

## CHAPTER V.

## SUPPLEMENTAL PROVISIONS.

13. The Court of Small Causes shall be subject to the administrative control of the Political Agent of Western Malwa<sup>1</sup> and to the superintendence of the Agent to the Governor General in Central India, and shall—

Subordination of the Court of small Causes.

(a) keep such registers, books and accounts as the Agent to the Governor General in Central India from time to time prescribes, and

<sup>1</sup> Now known as the Political Agent, Malwa.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*

**B.—British-Neemuch Cantonment Enactments—1.-(b) Special Local Laws—*concl'd.***

**Neemuch Small Cause Court Law, 1889—*concl'd.***

(b) comply with such requisitions as may be made by the Political Agent of Western Malwa<sup>1</sup> or the Agent to the Governor General in Central India for records, returns and statements in such form and manner as the authority making the requisition directs.

14. The Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Agent to the Governor General in Central India.

15. An application for a review of judgment by the Court of Small Causes made after fifteen days from the date of the decree or order may be dismissed, although limitation has not been set up as a defence.

Limitation of application for review of judgment.

[See *Gazette of India*, 1889, Pt. I, p. 192.]

Order as to Courts established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summons between such Courts, British Indian Courts and certain Courts in Native States.

*Nos. 1361-I. to 1364-I., dated the 29th March, 1889, and Nos. 1366-I. to 1368-I., dated idem, and Nos. 2182-I. and 2183-I., dated the 2nd July, 1890, printed infra, pp. 332 to 339.*

**Recovery of Revenue Arrears accruing in British India.**

*No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

**Printing and publication of newspapers and other printed works.**

*No. 2651-I., dated the 25th June, 1891.—printed, infra, p. 348.*

**Execution of warrants of Capital Sentences of British Courts beyond British India.**

*No. 1431-I., dated 29th April, 1893.—printed, infra, p. 345.*

**Mhow, Neemuch and Nowgong Excise Law, 1898.**

*No. 741-I. B., dated the 17th March, 1898—printed, supra, p. 105.*

CHAPTER III.—II (2).—THE NEEMUCH CANTONMENT—*contd.***B.—BRITISH-NEEMUCH CANTONMENT  
ENACTMENTS.****2.—Local Rules and Orders under Acts of the Governor  
General in Council locally applied.****Order under the Cattle Trespass Act, 1871.**

*No. 5417, dated the 30th July, 1898.*—In exercise of the powers conferred by section 26 of the Cattle Trespass Act (I of 1871), as applied to the Cantonment of Neemuch by the Notifications of the Government of India in the Foreign Department, No. 5022-I., dated the 24th December, 1891, and No. 970-I., dated the 20th March, 1895, the Agent to the Governor General in Central India is pleased to direct in respect to the said cantonment that the first portion of the said section shall be read as if it had reference to cattle generally instead of to pigs only.

[See *Gazette of India*, 1898, Pt. II, p. 854.]

**Order under the Indian Registration Act as to formation of a district, etc.**

*No. 1369-I., dated the 25th April, 1890.*—I.—With reference to sections 4, 5, 6, 7 and 8 of the Indian Registration Act (III of 1877), as applied to the Cantonment of Neemuch, the Governor General in Council is pleased to make the following orders:—

- (1) All the powers and duties conferred and imposed by the Act upon the Inspector General of Registration shall be exercised and performed within the Cantonment of Neemuch by the Agent to the Governor General in Central India for the time being.
- (2) For the purposes of the Act the Cantonment of Neemuch shall form a district and also a sub-district.
- (3) The Cantonment Magistrate at Neemuch, for the time being, shall be the Registrar and Sub-Registrar of the said district and sub-district, respectively.
- (4) The office of the Cantonment Magistrate at Neemuch, for the time being, shall be the office of the Registrar and Sub-Registrar.
- (5) The Political Agent in Western Malwa,<sup>1</sup> for the time being, shall be Inspector of Registration offices for the Cantonment of Neemuch.

II.—The Notification of the Government of India in the Foreign Department, No. 158-J., dated the 14th August, 1874, is hereby cancelled in so far as it was applicable to the Cantonment of Neemuch.

[See *Gazette of India*, 1890, Pt. I, p. 259.]

<sup>1</sup> Now known as the Political Agent, Malwa.

### CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*

#### B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*

Rules under section 69 of the Indian Registration Act, 1877, and a table of Registration fees leviable thereunder.

*No. 1466-I., dated the 8th April, 1890, and No. 1372-I., dated the 25th April, 1890, respectively, printed, supra, pp. 112 and 129.*

#### Rules under the Hackney Carriage Act, 1879 (XIV of 1879).

*No. 2685-I., dated the 15th August, 1895.*—The following Rules under sections 3, 4, 5 and 6 of the Hackney Carriage Act (XIV of 1879), as applied to the Cantonment of Neemuch by the Notification of the Government of India in the Foreign Department, No. 2683-I., dated the 15th August, 1895, shall have force in the said Cantonment :

I.—No hackney carriage of any kind shall be let to hire, or taken to ply or offered for hire, except under a license granted in that behalf as provided in these rules.

II.—No person shall act as driver of a hackney carriage except under a license granted in that behalf as provided in these rules.

III.—Every hackney carriage within cantonment limits, and every driver of a hackney carriage shall be licensed by an officer appointed for the purpose by the Cantonment Committee, and the said officer shall keep a register in which he shall enter every hackney carriage under its class and give it a number by which it shall be known.

IV.—The owner of any carriage who is desirous of having it licensed as a hackney carriage must apply to the licensing officer stating the class in which he desires that the carriage may be licensed, and he shall submit the carriage, harness and horses to be used therewith for the inspection of the licensing officer at such time and place as the said officer shall appoint. The licensing officer shall after such inspection decide either to grant the license applied for or to refuse it. When a license is granted the licensing officer shall deliver the license duly signed to the owner of the hackney carriage.

The person in whose name any carriage is licensed shall be deemed the owner of such carriage for the purpose of these rules.

V.—The following particulars shall be entered in the register to be kept by the licensing officer, and shall also be specified in the license to be given to the

\* A metal plate might, if preferred, be used instead of a card. owner and they shall be inserted in English and Urdu on a card\* which shall be provided by the registering officer to be affixed to some conspicuous part of the different classes of carriages :

- (1) The class in which the carriage is licensed and the number assigned to it in the register.
- (2) The name and residence of the owner of the carriage.
- (3) The description, number and height of the animals to be employed in drawing such carriage.
- (4) The number of persons the carriage is licensed to carry.
- (5) The weight of luggage the carriage is licensed to carry.

VI.—The following shall ordinarily be the classes of hackney carriages :

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act—*contd.***

*First class.*—Carriages drawn by one horse of the height of 15 hands or over or two horses of the height of 13 hands or over, regard being had to the condition of the horse or horses and the state of the carriage, which must be such as to entitle it to rank in the first class.

*Second class.*—Carriages drawn by one horse of the height of 14 hands or over, or two horses of the height of 12 hands or over :

Provided that when any horse or horses are not of the stipulated height, but are nevertheless in the opinion of the registering officer fit to draw the carriage of the class in which registration is applied for, registration may be made in that class.

*Third class.*—Carriages not coming under the above.

VII.—Notice of transfer of ownership of any hackney carriage is to be made in writing to the registering officer by the transferee within one week from the date of transfer, the registering officer will thereupon make the necessary alteration in the register, license and card.

VIII.—Any person desiring to be licensed as a hackney carriage driver shall apply in person to the licensing officer, who after ascertaining that he is not incompetent to drive a hackney carriage, may grant him a license as a driver. Provided that the license may be refused whenever the licensing officer is of opinion that it would be inexpedient to grant it to the person applying.

The licensing officer shall keep a register in which he shall enter the name, father's name, age and residence of all persons who have been licensed as drivers and also give to each a number in the register.

The licensing officer shall at the time of granting the license, deliver to the driver a ticket containing the number, name, etc., of the driver and the year for which he has been registered.

IX.—The following fees shall be payable for licenses granted under these rules:—

	<i>R</i>	<i>a.</i>	<i>p.</i>
(1) For a hackney carriage of the 1st class . . .	4	0	0 per annum.
(2) For a hackney carriage of the 2nd class . . .	2	0	0 „ „
(3) For a hackney carriage of the 3rd class . . .	1	0	0 „ „
(4) For the driver of a hackney carriage . . .	0	8	0 „ „

X.—It shall be the duty of the licensing officer to satisfy himself from time to time that the animals, harness and other things used with a licensed carriage are in a serviceable condition and fit for the public use, and also that they are properly kept. A license may at any time be suspended or revoked when this is not the case.

XI.—Every hackney carriage must carry two carriage lamps of the usual pattern properly fixed with clean glasses, except ekkas and camel and bullock carts, which must carry one good and sufficient light.

XII.—The proprietor or in his absence some responsible person shall always be on the premises where the hackney carriages are kept to supply carriages when required. Such officers as may be appointed by the Cantonment Committee may at any time inspect the different carriage yards, premises and stabling and direct that they be kept properly cleaned and in good order. In default of this the licenses may be suspended or revoked.



CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act—*contd.***

XIII.—Licenses issued under these rules shall be in force from the 1st April of the year in which they are granted to the 31st March of the ensuing year. Licenses granted on any date subsequent to the 1st April shall continue in force to the 31st March following and no longer.

Such licenses will be subject to suspension or withdrawal for a breach of any of the rules contained herein by order of a Magistrate in any case which may come before him and under the following circumstances:—

- (1) Allowing an unlicensed hackney carriage to ply for hire.
- (2) Employing or permitting an unlicensed driver to drive a hackney carriage.
- (3) An owner or driver of a hackney carriage beating cruelly, ill-treating, overdriving, torturing, or causing or procuring or permitting any animal drawing the same to be cruelly beaten, ill-treated, overdriven or tortured, or carrying a greater number of passengers or a greater weight of luggage than he is licensed to carry.
- (4) An owner or driver of a hackney carriage harnessing or driving or permitting to be harnessed or driven any animal which from sickness, age, wounds or other causes is unfit to be harnessed or driven.
- (5) Being the owner of a hackney carriage of the first, second or third class which has not a legibly inscribed card affixed to a conspicuous part of it as required by these rules.
- (6) Being the driver of a hackney carriage and not carrying with him while on duty his ticket in good and legible condition.
- (7) Being the driver of a hackney carriage who shall be drunk during his employment or make use of insulting or abusive language or gesture, or who shall wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person, or who shall wrongfully prevent or endeavour to prevent the driver of another hackney carriage from being hired, or who being hired by time shall desert from the hiring before he has been discharged by the hirer.
- (8) Being the owner or driver of a hackney carriage who shall demand more than the proper fare to which he is entitled under these rules, or who shall refuse to admit and carry in his carriage the number of persons and amount of luggage for which it is licensed, except on reasonable and sufficient grounds.
- (9) Being the owner of a hackney carriage and omitting to produce the driver employed thereon when ordered by a Magistrate to do so.

XIV.—On a hackney carriage being licensed the owner shall cause the number of the license and class thereof to be distinctly painted in English and Urdu on the outside of the first and second class carriages and in Urdu only on third class carriages.

XV.—The Cantonment Committee may determine the places where hackney carriages shall be allowed to wait for hire, and prohibit them from so doing at any other place.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act—*contd.***

**XVI.**—The following rates of fare shall be charged by the proprietors and drivers of hackney carriages, and must be paid by any person hiring them :

*By time.*

					<i>R</i>	<i>a.</i>	<i>p.</i>
For a day of nine hours . . . . .	{	1st class . . . . .	.	.	4	0	0
		2nd „ . . . . .	.	.	2	8	0
		3rd „ . . . . .	.	.	1	12	0
For half a day of five hours . . . . .	{	1st class . . . . .	.	.	2	8	0
		2nd „ . . . . .	.	.	1	8	0
		3rd „ . . . . .	.	.	1	2	0
Quarter day of three hours . . . . .	{	1st class . . . . .	.	.	1	8	0
		2nd „ . . . . .	.	.	1	2	0
		3rd „ . . . . .	.	.	0	14	0
For two hours . . . . .	{	1st class . . . . .	.	.	1	4	0
		2nd „ . . . . .	.	.	0	14	0
		3rd „ . . . . .	.	.	0	10	0
For one hour or part of an hour . . . . .	{	1st class . . . . .	.	.	0	12	0
		2nd „ . . . . .	.	.	0	8	0
		3rd „ . . . . .	.	.	0	6	0

**N.B.**—Night rates 2 annas extra per hour. Night to reckon from 7 P.M. to 5 A.M.

The charge for the hire of a carriage to drive from the station to any place within the cantonment shall be as follows :—

					<i>R</i>	<i>a.</i>	<i>p.</i>
For a 1st class carriage . . . . .	.	.	.	.	0	8	0
For a 2nd class carriage . . . . .	.	.	.	.	0	6	0

**XVII.**—Fares for distances beyond cantonment limits must be settled by private agreement, as also for carriages of a distinctly superior class kept at hotels and livery stables, for which a special license must be taken out on such terms as the Cantonment Committee may impose. Such carriages may be exempted from all or any of the provisions of these rules at the discretion of the Committee.

**XVIII.**—A driver of a hackney carriage is entitled to claim his discharge from any passenger after having been employed by such passenger for a whole day of nine hours or at any time in case of himself being sick or his horse being lame or sick, provided that in either case he supplies another hackney carriage to the passenger if required to do so and another can be found. A driver or owner may refuse to let his carriage under the same circumstances or when asked to ply beyond cantonment limits, and shall be bound to do so when asked to carry a greater number of passengers or a greater weight of luggage than he is licensed to carry or any person suffering from a contagious or infectious disease or a corpse or dead body.

**XIX.**—The number of persons and the weight of luggage to be carried in a hackney carriage shall be as under :—

Description of Carriage.	Load.	
	Passengers.	Luggage.
1st class . . . . .	Not exceeding 3 passengers	Not exceeding 3 maunds.
2nd class . . . . .	Ditto 3 ditto	Ditto 3 ditto.
3rd class . . . . .	Ditto 3 ditto	Ditto 3 ditto.

CHAPTER III.—II(2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act—*concl'd.***

XX.—The owner of a hackney carriage shall be bound to exhibit in a conspicuous part of the inside of each carriage a schedule (in English and Urdu) of the rates of fare chargeable under these rules for carriages of its class. He shall also be responsible that such list is kept in a good and legible condition. Any person wilfully or wantonly destroying or defacing the same shall be held to have committed a breach of these rules.

XXI.—Every driver of a hackney carriage on being licensed shall be provided with a numbered badge or ticket, and shall produce his license when required by a Magistrate or such other persons as may be duly authorised by the Cantonment Committee in this behalf. Such licenses and badges are not transférable.

XXII.—It shall be incumbent on every driver or owner of a hackney carriage in which property shall be left to take the same, unless sooner claimed by the owner, to the nearest Police Station within twenty-four hours; in default to be punishable under section 7, Act XIV of 1879. The Police-officer with whom any such property shall be deposited shall forward the same to the Cantonment Magistrate or such officer as he may appoint, who shall forthwith enter in a book to be kept for that purpose the description of such property and the name and the address of the driver bringing it. The property may be returned to any person claiming the same on satisfactory proof that he is the owner thereof, after payment of all expenses incurred and a reasonable reward to the driver, to be fixed by the Cantonment Magistrate; provided always that if such property shall not be claimed by and proved to belong to, some one within one year after the same shall have been deposited, it may be sold or otherwise disposed of, and the proceeds, after deducting the expenses, shall be given half to the driver and half to the funds of the Cantonment Committee.

XXIII.—The orders of the licensing officer appointed under these rules may be appealed to the Cantonment Committee, whose decision shall be final.

[See *Gazette of India*, 1895, Pt. I, p. 769.]

*Notifications under the Cantonments Act, 1889.***Appointment of a Small Cause Court Judge**

No. 4037-I., dated the 27th November, 1893.—In exercise of the powers conferred by section 8 of the Cantonments Act (XIII of 1889) as applied to the Cantonment of Neemuch by the Notification of the Government of India in the Foreign Department, No. 1376-I., dated the 25th April, 1890, the Governor General in Council is pleased (1) to appoint the Cantonment Magistrate of Neemuch for the time being to be Judge of the Court of Small Causes in the Cantonment of Neemuch; and (2) to declare that all suits of which the value does not exceed Rs. 500 and which are cognizable by a Court of Small Causes shall be cognizable by him as such Judge.

[See *Gazette of India*, 1893, Pt. I, p. 673.]

**Imposition of a dog-tax and rules for recovery thereof.**

No. 1877-I., dated the 9th May, 1889.—In exercise of the powers conferred by section 21 of the Cantonments Act (III of 1880),<sup>1</sup> as extended to the Cantonments

<sup>1</sup> See now ss. 2 (2) and 17 of Act XIII of 1889, which was applied to this Cantonment by Notification No. 1376-I., dated the 25th April, 1890, printed, *supra*, p. 176.

CHAPTER III.—II(2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Imposition of a dog-tax and rules for recovery thereof—*contd.***

of \* \* \* Neemuch, \* \* \* the Governor General in Council is pleased to sanction the imposition in these cantonments respectively of the following tax, in addition to all taxes now leviable in such cantonments:—

Nature of tax.	Amount.
For every dog of the age of six months or more payable by the persons owning or having charge of such dog within the limits of any of the said cantonments.	} One rupee per calendar year.
Provided that no such tax shall be leviable in any such cantonments—	
(a) from any warrant officer or from any non-commissioned officer or soldier of Her Majesty's regular forces ; or	
(b) from any person not residing for more than thirty days in the year within the limits of such cantonment.	

*No. 1878-I., dated the 9th May, 1889.*—In exercise of the powers conferred by section 22 of the Cantonments Act (III of 1880),<sup>1</sup> as extended to the Cantonments of \* \* \* Neemuch, \* \* \* and, with reference to the last preceding Notification imposing a dog-tax in these Cantonments, the Governor General in Council is pleased to apply to the said Cantonment \* \* \* the following rules in force in the Municipality of Belgaum in the Bombay Presidency for the recovery of the said tax :—

*Rules.*

The dog-tax shall be paid by the persons liable for the same, either in person or by agent, at the office of the Cantonment Magistrate, on or before the first day of March in each year for which the tax is leviable.

In default of such payment, the tax shall, upon information laid before a Magistrate, be recoverable by a summary proceeding in the manner provided in the Code of Criminal Procedure.<sup>2</sup>

[See *Gazette of India*, 1889, Pt. I, p. 263.]

X of 1882.

**Imposition of a property-rate.**

*No. 3537, dated the 6th May, 1895.*—In exercise of the powers conferred by section 17, sub-section (1), of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Neemuch by the Notification of the Government of India in the Foreign Department, No. 1376-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, and with the previous sanction of the Governor General in Council, the Governor General's Agent in Central India hereby directs

<sup>1</sup> See now ss 2 (2) and 17 of Act XIII of 1889, which was applied to this Cantonment by Notification No. 1376-I., dated the 25th April, 1890, printed, *supra*, p. 176.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in Neemuch in virtue of Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 83.

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Imposition of a property-rate—*contd.***

that the following tax shall be imposed in the Cantonment of Neemuch, with effect from the 1st January, 1895, namely :—

*Property Rates.*

A consolidated rate of three per cent. per annum on the annual value of houses and buildings situated in the cantonment :

Provided that—

(1) No property-rate shall be leviable in respect of any buildings exclusively used for public worship or religious or charitable purposes; or in respect of any houses or buildings belonging to Government and used for Government purposes or occupied by Government servants entitled as such to free quarters.

(2) From the time when the said property-rate is first levied, the Cantonment Committee shall undertake the conservancy of all houses and buildings made liable to the said rate within the limits of the Cantonment.

[See *Gazette of India*, 1895, Pt. II, p. 703.]

**Octroi-duties.**

*No. 2618-I., dated the 24th June, 1891.*—In exercise of the powers conferred by section 17, sub-section (1), of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Neemuch by the Notification of the Government of India in the Foreign Department, No. 1376-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to sanction, with effect from the 1st July, 1891, the levy of octroi-duties, at the rates specified in the following schedule, upon all articles named in the said schedule which are imported into the Neemuch Cantonment for sale, consumption, or use therein :—

**SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT.**

Class.	Name of Article.	Rate.			Per
		R	a.	p.	
<b>I.—Articles of food and drink for men and animals.</b>	Almonds . . . . .	0	12	0	<b>Maund.</b>
	Alubokhara . . . . .	1	0	0	"
	Bedana . . . . .	1	0	0	"
	Betel-leaves . . . . .	1	8	0	"
	Betel-nut . . . . .	1	0	0	"
	Chillies (green) . . . . .	0	1	0	"
	Cocoanuts . . . . .	0	6	0	"

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Octroi-duties—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per
		<i>Rs a. p.</i>	
I.—Articles of food and drink for men and animals— <i>contd.</i>	Cocoanuts, with shells . . .	0 3 0	Maud.
	Cocum amchur . . .	1 0 0	„
	Coffee . . .	0 12 0	„
	Cotton seeds . . .	0 0 4	„
	Dried dates or kharricks and raisins of sorts.	0 8 0	„
	Dried fruit of sorts . . .	1 0 0	„
	Garlic . . .	0 1 0	„
	Ghee . . .	0 8 0	„
	Ginger, green . . .	0 1 0	„
	Grain of all sorts not specified elsewhere in this schedule . .	0 0 6	„
	Gram . . .	0 1 0	„
	Grass, dry . . .	0 0 3	„
	Do., green . . .	0 0 1	„
	Gulal . . .	0 8 0	„
	Gur . . .	0 1 0	„
	Huldi . . .	0 2 0	„
	Honey . . .	1 0 0	„
	Indian-corn . . .	0 1 0	„
	Kaju (nut) . . .	0 8 0	„
	Kernels, cocoanut . . .	0 6 0	„
	Kurbi . . .	0 0 3	„
	Maithi . . .	0 2 0	„
	Mango chips . . .	0 4 0	„

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.**Octroi-duties—contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per
		<i>R a. p.</i>	
I.—Articles of food and drink for men and animals— <i>concl'd.</i>	Mango fruit . . . . .	0 1 0	Maund.
	Mowa . . . . .	0 4 0	„
	Mungphali . . . . .	0 4 0	„
	Oil-cakes . . . . .	0 1 0	„
	Onions . . . . .	0 1 0	„
	Pind, Khajur . . . . .	0 4 0	„
	Rice . . . . .	0 2 0	„
	Rice (Bhugwa) . . . . .	0 0 6	„
	Singara (dry) . . . . .	0 4 0	„
	Do. (green) . . . . .	0 2 0	„
	Sugar . . . . .	0 4 0	„
	Sugarcandy . . . . .	0 4 0	„
	Sugarcane . . . . .	0 1 0	„
	Tamarind . . . . .	0 1 0	„
	Tea (Indian or Foreign) . . . . .	2 8 0	R100.
	Treacle . . . . .	0 1 0	Maund.
	Vegetable . . . . .	0 1 0	„
	Wheat . . . . .	0 0 9	„
II.—Animals for slaughter.	Sheep and goats . . . . .	0 0 6	Each.
III.—Articles of fuel, lighting and washing.	Charcoal, coke, and coal . . . . .	0 0 3	Maund.
	Cocoanut oil . . . . .	0 8 0	„
	Firewood . . . . .	0 0 3	„
	Soap, country . . . . .	0 2 0	„
	Tallow . . . . .	0 4 0	R100.
IV.—Building materials .	Babul wood . . . . .	0 0 3	Cubic foot.

CHAPTER III.—II (2) —THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Octroi-duties—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT—*contd.*

Class.	Name of article.	Rate.	Per
		<i>R a. p.</i>	
IV.—Building materials — <i>contd.</i>	Balis, arcot . . . .	0 4 0	Cart.
	Do., teak . . . .	0 8 0	„
	Bamboos (dry) . . . .	0 6 0	1 000.
	Do. (green) . . . .	0 2 0	„
	Burnt bricks, bazaar size . .	0 2 0	„
	Do., Government size . .	0 4 0	„
	Lime, kankar . . . .	2 0 0	100 maunds.
	Do. for mortar . . . .	1 8 0	„
	Do. for whitewash . . . .	2 0 0	„
	Do. stones for mortar . . . .	1 8 0	„
	Stone, rubble . . . .	0 1 0	Cart.
	Teak, Bombay . . . .	0 1 0	Cubic foot.
	Tiles . . . .	0 2 0	1,000.
V.—Drugs, gums, spices and perfumes.	Asafœtida . . . .	0 2 0	Seer.
	Alum . . . .	0 6 0	Maund.
	Banubsha . . . .	0 8 0	„
	Behada . . . .	0 2 0	„
	Carraway seed . . . .	0 6 0	„
	Camphor . . . .	2 0 0	„
	Cardamom, of sizes . . . .	6 0 0	„
	Chillies, dry . . . .	0 4 0	„
	Chirrata . . . .	0 8 0	„
	Chubila . . . .	0 4 0	„
	Chupri (wax) . . . .	1 8 0	„
	Cinnamon . . . .	1 0 0	„



CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Octroi-duties—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT—*contd.*

Class.	Name of article.	Rate.	Per
		<i>R a. p.</i>	
V.—Drugs, gums, spices and perfumes— <i>contd.</i>	Cloves . . . . .	1 0 0	Maund.
	Coriander seed . . . . .	0 4 0	"
	Ginger, dry, Bombay . . . . .	1 0 0	"
	Gum . . . . .	1 0 0	"
	Hurdey, all sorts . . . . .	0 6 0	"
	Javatri . . . . .	1 0 0	"
	Kaiphali . . . . .	0 4 0	"
	Kali musli . . . . .	0 8 0	"
	Kasni . . . . .	0 8 0	"
	Khus (grass) . . . . .	0 4 0	"
	Lobhan . . . . .	1 8 0	"
	Majuphal . . . . .	2 0 0	"
	Musli, white . . . . .	2 8 0	"
	Nagarmotha . . . . .	0 8 0	"
	Nasphal . . . . .	0 8 0	"
	Nutmegs . . . . .	1 0 0	"
	Oils, perfumed . . . . .	2 0 0	R100.
	Pepper, black . . . . .	1 0 0	Maund.
	Poppyseeds . . . . .	0 2 0	"
	Saffron . . . . .	2 0 0	R100.
	Sahjira . . . . .	1 0 0	Maund.
	Salum misri . . . . .	5 0 0	"
	Sanchori . . . . .	0 2 0	"
	Sandal chips . . . . .	0 2 0	"
	Do. wood . . . . .	1 0 0	"

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Order under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.**Octroi-duties—contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT—*contd.*

Class.	Name of article.	Rate.	Per
		<i>Rs a. p.</i>	
V.—Drugs, gums, spices and perfumes— <i>contd.</i>	Sohaga . . . . .	0 8 0	Maund.
	Sulphur . . . . .	0 4 0	"
	Sunamukhi . . . . .	0 8 0	"
	Suttawar . . . . .	1 0 0	"
	Ujwain . . . . .	0 2 0	"
	Unab . . . . .	1 0 0	"
	Upleta . . . . .	0 6 0	"
VI.—Tobacco .	Tobacco, country . . . . .	1 0 0	"
	Do., do., second sort . . . . .	0 8 0	"
	Do., do., third „ . . . . .	0 4 0	"
	Do., English . . . . .	2 0 0	"
VII—Piece goods and other textile fabrics and manufactured articles of clothing and dress.	Bags, empty . . . . .	1 0 0	R100.
	Cotton piece-goods of all manufacture . . . . .	1 9 0	"
	Gota, false . . . . .	1 9 0	"
	Do., khura . . . . .	3 2 0	"
	Tat putty . . . . .	2 0 0	"
	Woollen and silken manufactures	3 2 0	"
VIII.—Metals and articles of metal.	Articles made of iron . . . . .	0 4 0	Maund.
	Copper and brass utensils . . . . .	0 12 0	"
	Iron, new . . . . .	1 8 0	R100.
	Do., old . . . . .	0 12 0	"
	Steel and articles made of steel . . . . .	0 4 0	Maund.
IX.—Miscellaneous .	Bangles, country . . . . .	2 0 0	Maund.
	Bees' wax . . . . .	1 8 0	"
	Cane . . . . .	0 4 0	"

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonment Act, 1889—contd.**Ootroi-duties—concl'd.*SCHEDULE OF OOTROI-DUTIES TO BE LEVIED IN THE NEEMUCH CANTONMENT—*concl'd.*

Class.	Name of article.	Rate.	Per
		<i>Rs a. p.</i>	
IX.—Miscellaneous.— <i>contd.</i>	Cotton, cleaned . . . .	0 8 0	Maund.
	Cotton, with seeds . . . .	0 2 6	„
	Gunpowder, country . . . .	1 0 0	„
	Hemp and rope . . . .	0 2 0	„
	Hides, raw, cow . . . .	0 1 0	Each.
	Do., do., tanned . . . .	0 2 0	„
	Do., do., sheep . . . .	0 0 3	„
	Do., tanned, sheep . . . .	0 1 0	„
	Indigo . . . .	5 0 0	Maund.
	Ivory . . . .	0 4 0	Seer.
	Kutha kusumba . . . .	1 0 0	Maund.
	Linseed . . . .	0 2 0	„
	Do. oil, boiled . . . .	0 4 0	„
	Meifit . . . .	0 8 0	„
	Mendi . . . .	0 8 0	„
	Moonga . . . .	2 0 0	R100.
	Oil seeds . . . .	0 2 0	Maund.
	Parsis, and Boras, goods and stores not hereinbefore specified and fur- niture of all descriptions.	1 8 0	R100.
	Patung . . . .	0 8 0	Maund.
	Shoes, country . . . .	3 0 0	R100.
	Do., English . . . .	3 0 0	„
	Pape, cotton . . . .	1 0 0	Maund.
	Twine, of sorts . . . .	0 4 0	„

NOTE.—Machinery, agricultural implements, and head-loads of firewood, grass, and vegetables to pass free.

[See *Gazette of India*, 1891, Pt. I, p. 373.]

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Neemuch Cantonment Octroi-duties Regulations, 1891.**

No. 2619-I., dated the 24th June, 1891.—In exercise of the powers conferred XIII of 183<sup>a</sup>. by section 17, sub-section (2), of the Cantonments Act, 1889, as applied to the Cantonment of Neemuch by the Notification of the Government of India in the Foreign Department, No. 1376-I., dated the 25th April, 1890, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, with reference to the Notification No. 2618-I. (Foreign Department) of this date, imposing octroi duties in the Neemuch Cantonment, to apply to the said cantonment, with effect from the 1st July, 1891, the provisions of the enactments and rules specified in the first column of the schedule hereto annexed for the assessment and recovery of the said duties in the adapted form set forth in the third column of the schedule.

The said provisions, as so adapted, may be cited as “The Neemuch Cantonment Octroi Duties Regulations” :—

## SCHEDULE.

Enactment or rule,	Brief subject.	Adapted Form.	REMARKS.
The Bombay Municipal Acts of 1872 and 1878, section 116.	Octroi duties how to be levied and collected.	1. Octroi duties shall be payable on demand and shall be levied and collected by and under the management of the Cantonment Magistrate and officers subordinate to him.	
Rules for collection of octroi duties in the Hyderabad City Municipality (Sind), No. XI.	Description and value, etc., of goods must be declared.	2. Every person in charge of goods shall on arrival at the first octroi station either make a declaration stating the description, quantity, and value of the goods in his charge, or present a regular invoice for the same.	
Ditto, No. XII	Procedure when correctness of declarations or invoice is doubted.	3. If the Nakadar in charge of the octroi station sees cause to challenge any such declaration or to question the correctness of the invoices, he shall send the goods, with the declaration and invoice, to the Octroi Inspector, who may examine and weigh the goods and shall levy the duty which he shall find to be payable on them after examining and weighing them.	
Ditto, No. XI	Data for determination of amount of octroi duty.	4. Subject to the provisions of the foregoing section, the duty on articles assessed <i>ad valorem</i> shall be levied according to the invoice value. The duty on articles assessed by weight shall be levied on the net weight, such abatement being made from the gross weight on account of packings, lashing, etc., as may be from time to time prescribed by the Cantonment Committee.	

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1898—contd.***Neemuch Cantonment Octroi-duties Regulations, 1891—*contd.***SCHEDULE—*contd.*

Enactment or rule.	Brief subject.	Adapted Form.	REMARKS.
Rules for collection of octroi duties in the Hyderabad City Municipality (Sind), No. II.	Passing of Government goods.	5. Goods which are the property of Government at the time of import shall pass free if accompanied by an invoice with an endorsement of the proper Government officer certifying that they are the property of Government.	
Ditto. No. IV .	Import of goods intended for Government.	6. Goods, the property in which is not vested in Government at the time of import, but which, being imported with a view to the fulfilment of a Government contract, or being otherwise intended for the use of Government, will in the ordinary course of things become the property of Government after importation, shall on passing any octroi station be declared as being intended for the use of Government; for example, in fulfilment of a certain specified contract; and the duty on them shall be thereupon paid. If after the duty is so paid the goods actually become Government property, the duty shall be refunded on a certificate to that effect signed by the departmental officer of Government concerned. Such certificate must be presented at the office of the Secretary to the Cantonment Committee within one week of the date on which it was granted by the departmental officer.	
Ditto No. VI .	Grant of receipts for payment of octroi duty.	7. For all octroi duties levied, a receipt will be granted specifying the quantities and nature of the goods and the date of their importation. The holder of such a receipt will be entitled at any time within one week from the date of its issue to receive, in exchange for the original receipt, separate receipts for such portions of the goods as he may desire, provided that the amount of duty paid on any such portion be not less than Rs. Subject to this proviso, receipts may, at the option of holders, be sub-divided and changed in the above manner as often as the holders may desire.	
Ditto, No. VII .	Grant of export certificate.	8. A certificate of exportation will be granted on application to every holder of such a receipt who exports, within three months of the date of the said receipt, goods which correspond in nature with, and do not exceed in quantity, the goods described in the said receipt.	

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Neemuch Cantonment Octroi-duties Regulations, 1891—*contd.*****SCHEDULE—*contd.***

Enactment or rule.	Brief subject.	Adapted Form.	REMARKS.
Rules for collection of octroi duties in the Hyderabad City Municipality (Sind), No. VII— <i>contd.</i>	Refunds	9. On production of an export certificate within one week of its having been granted, accompanied by the corresponding receipt, the amount of duty entered in the receipt as paid in respect of goods of the nature and quantity entered as exported in the export certificate shall be refunded without deduction, provided that the sum claimed as refund amounts to not less than Rs for each export certificate.	
Ditto, No. VII	Deposit of goods in bonded warehouse without payment of duty.	10. Imported goods on which the importer is unwilling to pay the octroi leviable at the time of importation may be deposited for safe custody in a bonded warehouse. Any importer wishing to send goods to a bonded warehouse must declare the description, weight, quantity, or, if necessary, the value of the goods at the import station; and he will then be furnished with a pass or permit, under which the goods may be removed to the warehouse. The importer must at once deliver his pass to the munshi or other officer in charge of the warehouse, who, after satisfying himself as to its correctness, will sign the receipt attached thereto, and hand it back to the importer.	
Ditto, No. VII	Preparation of returns of passes for goods to be deposited in the bonded warehouse.	11. A return shall be prepared daily at each import station of all passes issued for goods to be deposited in a bonded warehouse, and with this return the accounts of the munshi or other officer in charge of the warehouse shall be checked daily. In the event of the munshi or other officer aforesaid discovering that the articles on arrival do not correspond with the description, etc., given in the pass, he shall report the matter for orders.	
Ditto, No. VIII	Breaking bulk of goods in a bonded warehouse and importation of portion into the town.	12. The owner of goods deposited in a bonded warehouse may, on application to the munshi or other officer in charge, break bulk and change the packing of such goods; and any portion thereof being in the case of piece goods not less than a single bale, and in any other case not less in quantity or weight than such amount as is liable to a duty of Rs(3) three, may on payment of full duty be imported into the town under cover of a pass without rendering the balance left in bond liable to	

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Neemuch Cantonment Octroi-duties Regulations, 1891—*contd.*SCHEDULE—*contd.*

Enactment or rule.	Brief subject.	Adapted Form.	REMARKS.
Rules for collection of octroi duties in the Hyderabad City Municipality (Sind) No. VIII. — <i>contd.</i>	Breaking bulk of goods in a bonded warehouse and importation of portion into the town— <i>contd.</i>	duty or any other charge, except warehouse fees.	
Ditto No. VIII .	Removal of goods from bonded warehouse not to affect claims to refunds.	13. The payment of duty on any goods leaving the bonded warehouse for consumption within cantonment limits will be without detriment to the importers' claim to a refund if the goods are afterwards exported. When goods are removed from a warehouse, and the duty thereon paid, the necessary alteration will be made in the receipt given to the importer under rule 10, and receipt for the duty will be granted in accordance with rule 7.	
Ditto, No. VIII .	Removal of goods from bonded warehouse for exportation.	14. Should any goods be removed from a bonded warehouse for exportation, they will go free of duty direct to the exit-station under cover of a pass, which must be delivered to the officer at the exit-station. The said officer, after certifying the date of export on the pass, will forward it as he may from time to time be directed. In the case of any deficiency in the quantity, value, or weight of the goods exported, the holder of the pass will be required to pay the duty on such deficiency.	
Ditto, No. VIII .	Regulation of use of bonded warehouse, and fixing of warehouse fees.	15. The Cantonment Committee will, with the concurrence of the Governor General's Agent, from time to time determine what articles may be deposited in a bonded warehouse, and what warehouse fees shall be charged for the detention therein. The said fees shall be fixed with a view to the income realized therefrom being sufficient to cover the expenditure incurred on the warehouse, but shall not exceed one anna per bale or package per diem.	
Ditto, No. VIII (d)	Recovery of overdue warehouse fees.	16. Should the fees be not paid punctually when due, such part of the goods as is likely to cover the amount of the fees due shall be sold by auction. The fees on perishable goods shall be payable in advance and, if not so paid, such goods shall be sold by auction. In both cases the balance, after deduction of the dues, shall be made over to the owner of the goods.	

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1884—contd.*Neemuch Cantonment Octroi-duties Regulations, 1891—*concl'd.*SCHEDULE—*concl'd.*

Enactment or rule.	Brief subject.	Adapted Form.	REMARKS.
Rules for collection of octroi duties in the Hyderabad City Municipality (Sind) No. VIII(e).	Extent of responsibility of Cantonment Committee for goods deposited in bonded warehouse.	17. During the detention of any goods at a bonded warehouse, the Cantonment Committee will be responsible for their ordinary protection, but not for any loss not caused by the neglect or fault of their servants.	
Ditto, No. VIII (g)	Recognition of private godown as bonded warehouse.	18. The Cantonment Committee may recognize any private godown as a bonded warehouse, taking suitable precautions for locking it up, and charging such fees for the attendance of their munshis or peons thereat as they think fit: provided that full duty shall be levied on all articles removed from such godown for consumption within cantonment limits, and that no octroi duty shall be charged on articles exported therefrom within three months of their original import. The Committee will decide what passes or receipts must be given in each case.	
Ditto, No. VIII.	Affixing of schedule of rates and of Regulations relating to octroi.	19. A schedule of the octroi duties leviable, and of the circumstances under which any articles named therein are exempt, and a precise list of all articles assessed <i>ad valorem</i> , and a copy of rules 1 to 21, both inclusive, of these rules in English and in the Hindi and Urdu languages, shall be furnished to every person employed to collect the said duties, and shall be fixed up in a conspicuous position at each place appointed for collecting the same.	
The Bombay District Municipal Act, section 84.	Recovery of duties compulsory.	20. All octroi duties not paid on demand, and all expenses reasonably incurred in connection therewith, may be recovered after a summary inquiry by the Cantonment Magistrate in the manner provided in the Code of Criminal Procedure <sup>1</sup> for the levy of fines.	X of 1882.
Act XV of 1888, section 64, subsection (1), clause (e), and subsection (2).	.....	21. Whoever does anything in contravention of these rules relating to octroi duties, or evades, or attempts to evade, or abets the evasion of, payment of octroi duty, shall for each offence be punishable with fine not exceeding fifty rupees.	

[See *Gazette of India*, 1891, Pt. I, p. 378.]

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied to this Cantonment by Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 83.



**B.—British-Neemuch Cantonment Enactments—2:-Local Rules and Orders under Acts—contd.**

**The Neemuch Cantonment Taxation Regulations, 1895.**

The said provisions, as so adapted, may be cited as "The Neemuch Cantonment Taxation Regulations":—

Enactment.	Adapted Form.
<p>The Bombay Municipal Acts of 1872 and 1878, section 70.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 70-A.</p>	<p>I.—PROPERTY RATE.</p> <p><i>Valuation and Assessment.</i></p> <p>1. The estimated gross annual rent at which the houses and buildings liable to property rate might reasonably be expected to let from year to year shall, for the purposes of the said rate, be held and deemed to be the annual value of such houses and buildings. The value of a house or building so estimated shall not include the value of any machinery contained therein.</p> <p>2. The said rate shall be leviable from the actual occupier of the house or building, upon which it is assessed, if the said occupier be himself the landlord of such house or building, or if he hold the same immediately from Government. In any other case the said rate shall be leviable from the immediate landlord of the actual occupier, or, when the property is unoccupied, from the person who would be the immediate landlord of the occupier if it were occupied :</p> <p>Provided that if any person hereby made liable to the said rate himself pays rent to another person other than Government in respect of his interest in the house or building, for which he is assessed to such rate, he shall be entitled to such other person for such sum as would be leviable on account of the said rate, if the amount of the rent payable by him were the full annual value of the property taxed.</p> <p>And any person other than Government possessing any interest in or over any such property superior to that of the person assessed to the said rate, in respect of which he receives rent from any</p>

CHAPTER III.—II (2).—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*The Neemuch Cantonment Taxation Regulations, 1895—*contd.*

Enactment.	Adapted Form.
<p>The Bombay Municipal Acts of 1872 and 1878, section 70-A.—<i>contd.</i></p> <p>The Bombay Municipal Acts of 1872 and 1878, section 71.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 73.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 73.</p>	<p>I.—PROPERTY RATE—<i>contd.</i></p> <p><i>Valuation and Assessment—contd.</i></p> <p>other person, shall be bound to give credit in account to such other person for such sum as would be leviable on account of the said rate, if the rent which he receives were the full annual value of the property assessed.</p> <p>But nothing in this section shall be deemed to affect any agreement into which persons interested in any such property have entered, or may hereafter enter, concerning their respective liability on account of the aforesaid rate; and when any person other than the person hereby made liable for the said rate has by any such agreement rendered himself responsible for the same, or for any portion thereof, the person hereby made liable shall be entitled to recover the amount of the said rate, or such portion thereof from the said person.</p> <p>3. For the purpose of assessing the rate aforesaid, the Cantonment Committee shall from year to year cause a valuation of all houses or buildings liable to the said rate to be made and the amount thereof to be entered in a book to be kept in the office of the Cantonment Committee and to be called "The Assessment Book," wherein shall also be written in such form as the Cantonment Committee think fit—</p> <ol style="list-style-type: none"> <li>(1) The name of the person liable to payment of the rate aforesaid;</li> <li>(2) a designation of the property, either by name or number, sufficient to identify the same;</li> <li>(3) the name of the street or district in which such property is situate; and</li> <li>(4) the amount of the rate assessed thereon.</li> </ol> <p>4. When the name of the person liable to payment of the rate aforesaid cannot be ascertained, it shall be sufficient to designate him in the Assessment Book, and also in any notice or other proceeding under these Regulations, "as the landlord" or "the occupier" of the property on which the rate is assessed, without further description.</p> <p>When in any such case any person in occupation of any house or building shall refuse to give such information as may be necessary for determining who is liable to payment of the said rate, such person shall himself be liable, until such information is obtained, for the said rate leviable on such house or building.</p>

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Act—*contd.****Notifications under the Cantonments Act, 1889—contd.***The Neemuch Cantonment Taxation Regulations, 1895—*contd.***

Enactment.	Adapted Form.
<p>The Bombay Municipal Acts of 1872 and 1878, section 74.</p>	<p style="text-align: center;"><b>I.—PROPERTY RATE—<i>contd.</i></b></p> <p style="text-align: center;"><i>Valuation and Assessment—contd.</i></p> <p>5. In order to enable the Cantonment Committee to arrive at a fair valuation of any houses or buildings liable to the said rate, it shall be lawful for the Cantonment Committee to require the owner or occupier of such houses or buildings to furnish them with returns of the measurements and of the rent or annual value thereof; and, for the like purpose, it shall be lawful for the Cantonment Committee or any person or persons appointed by them for that purpose, at any time between 5 A.M. and 7 P.M., to enter and inspect and measure such houses or buildings, after having given forty-eight hours' previous notice in writing of their intention to the occupier thereof. Whoever refuses or fails to furnish any of the returns specified in the preceding clause for the space of one week from the day on which he shall have been required so to do, shall be liable, on conviction before a Magistrate, to the penalty provided in section 176 of the Indian Penal Code for omitting to furnish information required by law; and whoever knowingly makes a false or incorrect return shall be liable, on conviction before a Magistrate, to the penalty provided in section 177 of the aforesaid Code for furnishing false information to any public servant; and whoever hinders, obstructs, or prevents the Cantonment Committee, or any person appointed by them as aforesaid, from entering or inspecting or measuring any such houses or buildings, shall be liable, on conviction before a Magistrate, to the penalty provided by section 186 of the said Code for obstructing a public servant in the discharge of his public functions.</p>
<p>The Bombay Municipal Acts of 1872 and 1878, section 78.</p>	<p>6. When the valuation shall have been completed, the Cantonment Committee shall give public notice thereof and of the place where the Assessment Book, or a copy of the said book, may be inspected, by advertisement in the <i>Gazette of India</i> and the <i>Bombay Government Gazette</i>, and in one local English or vernacular newspaper (if any), and also by placards posted up in conspicuous places throughout the Cantonment; and the person in whose custody the Assessment Book may be shall permit any person claiming to be the owner or occupier of property included in the valuation or assessment, or the agent of such owner or occupier to inspect the book and to make extracts therefrom without payment of any fee; and every person who does not claim to be such owner or occupier shall be permitted to inspect and make extracts, in like manner, on payment of a fee of one rupee.</p>

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***The Neemuch Cantonment Taxation Regulations, 1895—*contd.***

Enactment.	Adapted Form.
	<p style="text-align: center;"><b>1.—PROPERTY RATE—<i>contd.</i></b></p> <p style="text-align: center;"><i>Valuation and Assessment—contd.</i></p> <p>7. The Cantonment Committee shall in the same notice fix Notice of time of revising a day, not being less than fifteen assessment. days from the publication of such notice, when they will proceed to revise the said valuation and the assessed rate; and in all cases in which any property is for the first time assessed, or in which the valuation of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuation shall be made to the Cantonment Committee by application in writing, left at their office, three days before the day fixed in the said public notice for the revising of the said valuation and rate; and upon hearing such complaints, the Cantonment Committee shall make such amendments, if any, in the said valuation and rate and in the Assessment Book, as they shall think proper.</p> <p>8. After the complaints have been inquired into, and after After revision the Assess- the revision of the valuation and ment Book to be authenti- rate has been completed, the amend- cated by Cantonment Com- ments, if any, made in the Assess- mittee. ment Book shall be authenticated by the signature of the Secretary of the Cantonment Committee, who shall at the same time certify, under his signature, that no valid objection has been made to the valuation entered in the said book, except in the cases in which amendments have been made as shown therein, and thereupon, subject to such alterations and amendments as may thereafter be duly Rate assessed to be deem- made, the rate entered in the ed the rate for whole year. Assessment Book shall be deemed to be the rate leviable for the whole year for which the assess- ment is made, and such year shall be from the 1st day of April.</p> <p>9. Provided always that the Cantonment Committee, upon Alteration of amendment the representation of parties or of assessment. other information, may at any time amend the Assessment Book, by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rate previously omitted, or by striking out the name of any person or any property not liable to the rate, or by increasing or by reducing the amount of the rate, and in all cases in which the name of a person is newly inserted, or in which any property is newly inserted as liable to the rate, or in which the rate is increased, notice of the amendment shall be given by the Cantonment Committee to the person interested, and a day shall be fixed in such notice for hearing complaints against such amendments, which shall be made and heard in the manner prescribed in section 7 for complaints concerning original entries in the Assessment Book.</p>
<p>The Bombay Municipal Acts of 1872 and 1878, section 79.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 80.</p> <p>The Bombay Municipal Acts of 1872 and 1878, section 81.</p>	

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.*B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Neemuch Cantonment Octroi-duties Regulations, 1895—*contd.*

Enactment.	Adapted Form.
	<p>1.—PROPERTY RATE—<i>contd.</i></p> <p><i>Valuation and Assessment—conold.</i></p>
The Bombay Municipal Acts of 1872 and 1878, section 83.	<p>10. When any house or building shall have been newly built, or shall be re-built, or shall be enlarged so as to increase the yearly value, or when any house or building which has been vacant is re-occupied, the owner shall give notice thereof in writing to the Cantonment Committee within fifteen days from the date of completion of the building, re-building or enlargement, or from the date of occupation of each newly built or re-built or enlarged property, whichever date happens first, or, in the case of any house or building which has been vacant, from the date of the re-occupation thereof. In default of such notice, the owner shall be liable to a fine not exceeding fifty rupees on conviction before a Magistrate.</p>
The Bombay Municipal Acts of 1872 and 1878, section 85.	<p>11. It shall not be necessary to prepare a new Assessment Book every year; but the Cantonment Committee may from year to year adopt the valuation contained in the book for the last preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and the rate for the current year: provided always that public notice of such valuation and rate shall be given in the manner prescribed in section 6, and the provisions of the said section and of sections 7, 8, and 9 shall be applicable to the valuation and rate and to the book in which they are contained.</p>
	<p><i>Appeals.</i></p>
The Bombay Municipal Acts of 1872 and 1878, section 127.	<p>12. Appeals against any rate charged under the foregoing provisions shall be heard and determined by the Cantonment Committee. But no such appeal shall be heard unless the amount of the rate has been deposited with the Secretary of the Cantonment Committee and unless complaint has been previously made to the Cantonment Committee as hereinbefore provided.</p>
The Bombay Municipal Acts of 1872 and 1878, section 128.	<p>13. No such appeal shall be entertained unless it is brought within fifteen days after the date of the certificate of the Secretary of the Cantonment Committee in the Assessment Book, or in the case of any subsequent amendment of the said book under the provisions of section 9, within fifteen days after the day for hearing complaints fixed by the Cantonment Committee in the notice issued by them under the said section.</p> <p>In the event of the amount of any rate being increased, decreased, or remitted, the Cantonment Committee shall levy the amount of such rate, or grant a refund accordingly.</p>

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2. Local Rules and Orders under Acts—*contd.****\* Notifications under the Cantonments Act, 1889—contd.***The Neemuch Cantonment Octroi-duties Regulations, 1895—*contd.***

Enactment.	Adapted Form.
The Bombay Municipal Acts of 1872 and 1878, section 129.	<p data-bbox="630 491 914 513"><b>1.—PROPERTY RATE—<i>contd.</i></b></p> <p data-bbox="691 537 853 559"><i>Appeals—contd.</i></p> <p data-bbox="479 578 1074 713">15. The assessment by the Cantonment Committee of any rate when no complaint or appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under section 12 shall be final.</p> <p data-bbox="479 611 703 680"><small>Assessment when no appeal is made to be final. Adjudications under section 12 also final.</small></p>
The Bombay Municipal Acts of 1872 and 1878, section 69-A.	<p data-bbox="718 753 832 776"><i>Collections.</i></p> <p data-bbox="479 800 1074 999">15. Property rate shall be payable in advance in quarterly instalments; that is to say, one such instalment shall be due on the 1st April, 1st July, 1st October, and 1st January in each official year commencing on the 1st April. All the amounts due for each quarter on account of the said rate by one and the same person shall be charged to such person in one bill, and shall be payable by, and recoverable from, him in the lump.</p>
The Bombay Municipal Acts of 1872 and 1878, section 125.	<p data-bbox="479 1045 1074 1286">16. When the rate or any portion of it shall have become due, the Cantonment Committee shall with the least practicable delay, cause to be presented to the person liable to the payment of the bill for the sum due. The bill shall contain a statement of the period, and description of the property, for which the rate is charged, and the name of the person from whom the sum entered as due is claimed, and also a notice that the amount of the bill must be paid into the Cantonment Committee's office within fifteen days from the date of the presentation of the said bill.</p>
The Bombay Municipal Acts of 1872 and 1878, section 134.	<p data-bbox="479 1332 1074 1665">17. If any sum due on account of the property-rate remains unpaid after the bill for the same has been duly presented to the person liable to pay the same, and the said person be not the occupier for the time being of the house or building in respect of which such rate is due, the Cantonment Committee may demand the amount as due from the occupier.</p> <p data-bbox="479 1507 1074 1572">In any such case the occupier may deduct from the next and following payments of his rent the amount which may be paid by or recovered from him :</p> <p data-bbox="479 1572 1074 1665">Provided always that no arrear of rate shall be recovered from any such occupier which has remained due for more than one year, or which is due in respect of any term for which he has not been in occupation.</p> <p data-bbox="479 1360 703 1452"><small>Property-rate may be recovered from occupier, although he be not the person liable for it, under certain circumstances.</small></p>

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***The Neemuch Cantonment Taxation Regulations, 1895—*contd.***

Enactment.	Adapted Form.
<p>The Bombay Municipal Acts of 1872 and 1878, section 126.</p>	<p style="text-align: center;"><b>1. —PROPERTY RATE—<i>contd.</i></b></p> <p style="text-align: center;"><i>Collections—contd.</i></p> <p>18. If the bill is not paid by the person liable to pay the same or by the occupier within fifteen days from the presentation thereof, the Cantonment Committee may cause to be served upon the defaulter a notice of demand in Form A hereto annexed, or to the like effect; and if he do not within fifteen days from the service of such notice of demand pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Cantonment Committee, and if no appeal shall have been preferred and the amount of rate deposited, such sum, with all costs, may be levied by order of the Cantonment Committee, under a warrant in Form B hereto annexed, by the distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any house or building, in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises.</p> <p>For every notice of demand under this section which the Cantonment Committee shall cause to be served upon any person, a fee not exceeding one rupee, the amount of which shall in such case be fixed by the Cantonment Committee, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and if not duly paid, shall be levied in the same manner as such rate may be levied.</p>
<p>The Bombay Municipal Acts of 1872 and 1878, section 132.</p>	<p>19. The goods and chattels of any person from whom any Goods of defaulter rate is due may be distrained, wherever found may be wherever within the Cantonment the distrained. same may be found, for default in the payment of the money due from such person.</p>
<p>The Bombay Municipal Acts of 1872 and 1878, section 130.</p>	<p>20. The officer charged with the execution of a warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing in Form C hereto annexed, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.</p>
<p>The Bombay Municipal Acts of 1872 and 1878, section 131.</p>	<p>21. If the warrant is not in the meantime discharged or suspended by the Cantonment Committee, the goods and chattels seized shall be sold under the orders of the Cantonment Committee, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs, and the</p>

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***The Neemuch Cantonment Taxation Regulations, 1895—*contd.***

Enactment.	Adapted Form.
The Bombay Municipal Acts of 1872 and 1878, section 131— <i>contd.</i>	<p data-bbox="630 534 914 556">1.—PROPERTY RATE—<i>contd.</i></p> <p data-bbox="673 602 871 624"><i>Collections—concl.</i></p> <p data-bbox="469 648 1071 783">surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The fees payable upon distraint under these Regulations shall be such as are set forth in the table of fees in the Table D hereto annexed.</p>
The Bombay Municipal Acts of 1872 and 1878, section 82, clause 1.	<p data-bbox="650 829 898 851"><i>Remission and Refunds.</i></p> <p data-bbox="469 874 1071 1055">22. When any house or building, or any portion of a house let as a separate tenement or for lodgings or godowns, shall be or become vacant for a month or more in any one quarter, the Cantonment Committee shall remit or refund, as the case may be, one half the property rate leviable in respect of that quarter, and, if vacant during the whole of anyone quarter, they shall remit or refund the whole of that quarter's property-rate:</p> <p data-bbox="469 1055 1071 1169">Provided always that the person liable to the payment of the said rate or his agent shall have given notice in writing of the vacancy to the Cantonment Committee, and that the amount of rate to be refunded shall be calculated from the date of the delivery of such notice.</p>
The Bombay Municipal Acts of 1872 and 1878, section 82, clauses 2 and 3.	<p data-bbox="469 1190 1071 1300">23. All applications for refunds falling due in any quarter shall be made within thirty days after the expiration of such quarter, in default whereof the claim to refund may be disallowed.</p> <p data-bbox="469 1300 1071 1458">In the event of continued vacancy at the commencement of any quarter, the owner shall give notice in writing of the same to the Cantonment Committee within fifteen days after the commencement of the quarter. In default of such notice his claim to refund on account of such continued vacancy shall be forfeited.</p>
The Bombay Municipal Acts of 1872 and 1878, section 84.	<p data-bbox="469 1485 1071 1707">24. When any house or building is demolished or removed, the person liable for the payment of the aforesaid rate in respect of such house or building shall give notice thereof in writing to the Cantonment Committee within fifteen days from the date of the completion of such demolition or removal. until such notice is given, the said person shall continue to be liable to the payment of the rate which would have been leviable had such house or building not been demolished or removed.</p>



CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments.—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonment Act, 1889—contd.***The Neemuch Cantonment Taxation Regulations, 1895—*contd.***

Enactment.	Adapted Form.
The Bombay Municipal Acts of 1872 and 1878, Schedule C.	FORM A (SEE SECTION 18).
	<i>Notice of Demand.</i>
	To
	Take notice that the Cantonment Magistrate demands from you the sum of _____ due from you ( <i>here describe the property upon which the rate is imposed</i> ) for the months of _____ 18 _____; and that if the sum due is not paid into the said Cantonment Magistrate's Office at _____, or if sufficient cause for the non-payment of the sum is not shown to the Cantonment Magistrate within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.
	(Signature) _____ of the Secretary to the Cantonment Committee.
	Date
The Bombay Municipal Acts of 1872 and 1878, Schedule D.	FORM B (SEE SECTION 18).
	<i>Distress Warrant.</i>
	To
	(Here insert the name of the Officer charged with the execution of the Warrant.)
	Whereas _____ of _____ has not paid, or shown sufficient cause for the non-payment of the sum of _____ rupees due for the rates mentioned in the margin for the months of _____ 18—, although the said sum has been duly demanded in writing from the said _____ and fifteen days have elapsed since the service of the notice of demand; this is to command you to restrain the goods and chattels of the said _____ (or as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of _____ rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within five days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of _____ rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods

CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*contd.***B.—British-Neemuch Cantonment Enactments.—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Neemuch Cantonment Taxation Regulations, 1895—*concl'd.***

Enactment.	Adapted Form.																																
The Bombay Municipal Acts of 1872 and 1878, Schedule D— <i>contd.</i>	<p>and the chattels of the said _____ you are to certify the same to me, together with this Warrant.</p> <p>(Signature) _____ of the Secretary to the Cantonment Committee.</p> <p>Date _____</p>																																
The Bombay Municipal Acts of 1872 and 1878, Schedule E.	<p>FORM C (SEE SECTION 20).</p> <p><i>Form of Inventory and Notice.</i></p> <p>(State particulars of goods seized.)</p> <p>Take notice that I have this day seized the goods and chattels specified in the above Inventory for the sum of _____ rupees due for the rates mentioned in the margin for the months of _____ 18—, and that unless you pay into the office of the Cantonment Magistrate the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.</p> <p>(Signature) _____ of the Officer executing the Warrant of Distress.</p>																																
The Bombay Municipal Acts of 1872 and 1878, Schedule F.	<p>TABLE D (SEE SECTION 21).</p> <p>Table of Fees payable in Distraints under these Regulations.</p> <table> <tr> <th>Sum distrained for</th><th>Fee.</th></tr> <tr> <td></td><td>Rs. a.</td></tr> <tr> <td>Under 5 Rupees</td><td>0 4</td></tr> <tr> <td>Rupees 5 and under 10</td><td>0 8</td></tr> <tr> <td>    " 10     " 15</td><td>0 12</td></tr> <tr> <td>    " 15     " 20</td><td>1 0</td></tr> <tr> <td>    " 20     " 25</td><td>1 4</td></tr> <tr> <td>    " 25     " 30</td><td>1 8</td></tr> <tr> <td>    " 30     " 35</td><td>1 12</td></tr> <tr> <td>    " 35     " 40</td><td>2 0</td></tr> <tr> <td>    " 40     " 45</td><td>2 4</td></tr> <tr> <td>    " 45     " 50</td><td>2 8</td></tr> <tr> <td>    " 50     " 60</td><td>3 0</td></tr> <tr> <td>    " 60     " 80</td><td>3 12</td></tr> <tr> <td>    " 80     " 100</td><td>4 8</td></tr> <tr> <td>Above 100 Rupees</td><td>5 0</td></tr> </table> <p>The above charge includes all expenses, except when persons are kept in charge of property distrained, in which case four annas must be paid daily for each man.</p>	Sum distrained for	Fee.		Rs. a.	Under 5 Rupees	0 4	Rupees 5 and under 10	0 8	" 10     " 15	0 12	" 15     " 20	1 0	" 20     " 25	1 4	" 25     " 30	1 8	" 30     " 35	1 12	" 35     " 40	2 0	" 40     " 45	2 4	" 45     " 50	2 8	" 50     " 60	3 0	" 60     " 80	3 12	" 80     " 100	4 8	Above 100 Rupees	5 0
Sum distrained for	Fee.																																
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" 45     " 50	2 8																																
" 50     " 60	3 0																																
" 60     " 80	3 12																																
" 80     " 100	4 8																																
Above 100 Rupees	5 0																																

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CHAPTER III.—II (2)—THE NEEMUCH CANTONMENT—*concl'd.*

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**B.—British-Neemuch Cantonment Enactments—2.—Local Rules and Orders under Acts—*concl'd.***

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*Notifications under the Cantonments Act, 1889—concl'd.*

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**Exemption of green fodder brought into the Cantonment for the use of Native Silahdar Cavalry from octroi.**

*No. 3527-I.A., dated the 8th December, 1898—printed, supra, p. 165.*

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**Application of the Contagious Diseases Rules for British Indian Cantonments to Neemuch.**

*No. 1290-I.A., dated the 13th May, 1898, and No. 1097-I.A., dated the 28th April, 1899.—printed, supra, p. 165.*

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**Application of the British Indian Rules relating to Cantonment Funds.**

*No. 3549-I.A., dated the 21st November, 1896.*—In exercise of the powers conferred by section 27 of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Neemuch by the Notification of the Government of India in the Foreign Department, No. 1376-I., dated the 25th April, 1890, the Governor General in Council is pleased to declare that the rules published with the G. O. of the Government of India in the Military Department, No. 597,<sup>1</sup> dated the 22nd May, 1896, shall be in force in the Cantonment of Neemuch.

[See *Gazette of India*, 1896, Pt. I, p. 953.]

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**Delegation of powers under the Epidemic Diseases Act, 1897.**

*No. 444-I.A., dated the 4th February, 1897.—printed, infra, p. 346.*

*No. 1421-I.A., dated the 15th April, 1897.—printed, supra, p. 169.*

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<sup>1</sup> See *Gazette of India*, 1896, Pt. I., p. 379.

## CHAPTER III.—II (3)—THE NOWGONG CANTONMENT.

## CHAPTER III.

CANTONMENTS—*contd.*

## II (3)—CANTONMENT OF NOWGONG.

(CHHATARPUR IN BUNDELKHAND.)

[For a definition of the boundaries of this Cantonment, see *Gazette of India*, 1875, Pt. I, p. 372; *ibid*, 1881, Pt. I, 484.]

The British Enactments in force locally in the Cantonment of Nowgong treated separately, consist of—

*A.—British-Indian Enactments, namely,—*

Local Rules and Orders under Acts in force generally in all Native States.

*B.—British-Nowgong Enactments, namely,—*

## 1.—Local Laws made by the Governor General in Council —

(a) Acts of the Governor General in Council locally applied.

(b) Special Local Laws—

## 2.—Local Rules and Orders—

under Acts of the Governor General in Council locally applied.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*A.—*British-Indian Enactments.*

## LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	6	Appointment of a Justice of the Peace.	No. 126, dated the 24th June, 1873. [Printed, <i>infra</i> , p. 220.]
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 & 24 (2)	Appointment of a Registrar of Births and Deaths with reference to section 11 (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3996-I., dated the 30th September, 1891. [Printed, <i>supra</i> , p. 60.]

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.**B.—British-Nowgong Enactments*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Extent of application.	Notification.
Workmen's Breach of Contract Act, 1859 (XIII of 1859). <sup>2</sup>	The whole Act, so far as circumstances admit, and as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Indian Penal Code, 1860 (Act XLV of 1860).	Ditto . . . . .	Ditto
Whipping Act, 1864 (VI of 1864)	Ditto . . . . .	Ditto
Indian Succession Act, 1865 (X of 1865). <sup>3</sup>	Ditto . . . . .	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Court-fees Act, 1870 (VII of 1870).	Ditto . . . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Cattle Trespass Act, 1871 (I of 1871). <sup>3</sup>	Ditto . . . . .	No. 970-I., dated the 20th March, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 216.]
Indian Evidence Act, 1872 (I of 1872).	Ditto . . . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Contract Act, 1872 (IX of 1872).	Ditto . . . . .	Ditto
Specific Relief Act, 1877 (I of 1877). <sup>3</sup>	Ditto . . . . .	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Indian Registration Act, 1877 (III of 1877).	The whole Act, so far as it may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 93.]
Indian Limitation Act, 1877 (XV of 1877).	The whole Act, so far as circumstances admit, and as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Indian Arms Act, 1878 (XI of 1878).	Ditto . . . . .	Ditto.
Registration and Limitation Acts Amendment Act, 1879 (XII of 1879). <sup>3</sup>	So far as it amends the Registration Act (III of 1877) and its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 93.]
Hackney Carriages Act, 1879 (XIV of 1879).	The whole Act, so far as it may be suitable.	No. 3073-I., dated the 18th September, 1890. [Printed, <i>infra</i> , p. 221.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> This short title was given by the Indian Short Titles Act, 1897, (XIV of 1897) printed, General Acts, Vol. VI, Ed. 1898, p. 331.<sup>3</sup> These Acts have been incorporated in Notification No. 5022-I., dated the 24th December 1891, in which they have been inserted as directed by the Notification cited opposite each in the third column.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.**B.—British-Nowgong Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED<sup>1</sup>—*concl'd.*

Act.	Extent of application.	Notification.
Transfer of Property Act, 1882 (IV of 1882). <sup>2</sup>	The whole Act, so far as circumstances admit, and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Code of Civil Procedure (Act XIV of 1882).	Ditto . . .	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Indian Income-tax Act, 1886 (II of 1886). <sup>3</sup>	See the Notification . . .	No. 296-I., dated the 26th January, 1887. [Printed, <i>infra</i> , p. 221.]
Registration Act Amendment Act, 1886 (VII of 1886).	So far as it amends the Registration Act, and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 93.]
Debtors Act, 1888 (VI of 1888)	Sections 2 to 8, both inclusive, as amended by subsequent enactments.	No. 5022-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 97.]
Civil Procedure Code Amendment Act, 1888 (VII of 1888).	Section 65, so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 93.]
Succession Certificates Act, 1889 (VII of 1889). <sup>3</sup>	The whole Act so far as circumstances admit, and as amended by subsequent enactments.	No. 4561-I.B., dated the 22nd December, 1897. [See <i>Gazette of India</i> , 1897, Pt. I, p. 1155.]
Cantonments Act, 1889 (XIII of 1889).	See the Notification . . .	No. 5024-I., dated the 24th December, 1891. [Printed, <i>infra</i> , p. 222.]
Cantonments Act, 1897 (XV of 1897).	The whole Act . . .	No. 1288-I.A., dated the 13th May, 1898. [Printed, <i>supra</i> , p. 96.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> These Acts have been incorporated in Notification No. 5022-I., dated the 24th December, 1891, in which they have been inserted as directed by the Notifications cited against each.<sup>3</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1899, p. 331.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.**B.—British-Nowgong Enactments.*1.—(b) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject.	Notification.	Reference.
1886	Declaring the Agent, Governor General, Central India, to be the Government for the purpose of paragraph 28, section 17, of the Bengal Army Regulations (Ed. 1880).	No. 2559-I., dated the 29th July, 1886.	Printed, <i>infra</i> , p. 224.
1889	Notifying the Civil Judge's Court and Small Cause Court at Nowgong, among other Courts, as having been established or continued by the Governor General in Council.	No. 1361-I., dated the 29th March, 1889.	Printed, <i>infra</i> , p. 336.
1889 & 1890	Providing for— (1) Execution of decrees— (a) of British Indian Courts, by the Civil Judge's Court and Small Cause Court at Nowgong; (b) of the Civil Judge's Court and Small Cause Court at Nowgong, by Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States by the Civil Judge's Court and Small Cause Court at Nowgong. (2) Service of summons— (a) of British Indian Courts by the Civil Judge's Court and Small Cause Court at Nowgong; (b) of the Civil Judge's Court and Small Cause Court at Nowgong by Courts established by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Hyderabad, Central India, Mysore, and in Bombay Native States, by the Civil Judge's Court and Small Cause Court at Nowgong.	Nos. 1362-I. to 1364-I., dated the 29th March, 1889, and No. 2183-I., dated the 2nd July, 1890.	Printed, <i>infra</i> , pp. 338 to 340.
1891	Nowgong Small Cause Court Law . . .  Delegation of powers of the Local Government for the purposes of certain enactments; providing for the administration of Criminal and Civil Justice and repealing certain Notifications.	No. 5025-I., dated the 24th December, 1891.  No. 5022-I., dated the 24th December, 1891.	Printed, <i>infra</i> , p. 225.  Printed, <i>supra</i> , p. 97.
1898	Mhow, Neemuch and Nowgong Excise Law . . .	No. 741-I.B., dated the 17th March, 1898.	Printed, <i>supra</i> , p. 105.
1899	Applying the Rules in force in British India under the Arms Act, 1878 (XI of 1878).	No. 2463-I.A., dated the 25th August, 1899.	Printed, <i>supra</i> , p. 113.

<sup>1</sup> See also Section I of this Chapter.



CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.**B.—British-Nowgong Enactments.*2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Section.	Subject of Notification.	Reference.
Cattle Trespass Act, 1871 (I of 1871).	26	First portion of section 26 to be read as if it referred to cattle generally.	No. 8690, dated the 30th November, 1898. [Printed, <i>infra</i> , p. 228.]
Indian Registration Act, 1877 (III of 1877).	4 to 8	Conferring powers, forming a district and sub-district, appointing a Registrar and Sub-Registrar therefor, fixing the offices of Registrar and Sub-Registrar, and appointing an Inspector of Registration offices.	No. 1370-I, dated the 25th April, 1890. [Printed, <i>infra</i> , p. 228.]
Indian Registration Act, 1877 (III of 1877).	69	Rules under the Act . . .	No. 1466, dated the 8th April, 1890. [Printed, <i>supra</i> , p. 115.]
Ditto . . .	78 & 79	Prescribing a table of fees . . .	No. 1372-I, dated the 25th April, 1890. [Printed, <i>supra</i> , p. 131.]
Hackney Carriages Act, 1879 (XIV of 1879).	3 to 6	Rules under the section . . .	No. 3204-I, dated the 25th September, 1890. [Printed, <i>infra</i> , p. 229.]
Cantonments Act, 1889 (XIII of 1889).	8	Appointment of Judge of the Small Cause Court.	No. 4822, dated the 12th July, 1894. [Printed, <i>infra</i> , p. 234.]
Ditto . . .	17 (1)	Imposition of octroi duties . . .	No. 4160-I, dated the 25th October, 1889, as amended by No. 1256 I, dated the 19th March, 1891. [Printed, <i>infra</i> , p. 234.]
Ditto . . .	17 (1)	Levy of octroi duties specified in the schedule to Foreign Department Notification No. 4160-I, dated the 25th October, 1898, on all articles mentioned in that schedule which are imported into the Cantonment for sale, consumption or use therein.	No. 4359-I, dated the 22nd December, 1893. [Printed, <i>infra</i> , p. 243.]
Ditto . . .	17 (1)	Imposition of a Latrine-tax . . .	No. 3047, dated the 26th March, 1897. [Printed, <i>infra</i> , p. 243.]
Ditto . . .	17 (2)	Rules for the recovery of octroi duties.	No. 4161-I, dated the 25th October, 1889. [Printed, <i>infra</i> , p. 241.]
Ditto . . .	17 (2)	Rules for recovery of Latrine-tax.	No. 3048, dated the 26th March, 1897. [Printed, <i>infra</i> , p. 244.]

<sup>1</sup> See also Section I of this Chapter.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.**B.—British-Nowgong Enactments.*2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED<sup>1</sup>—*contd.*

Act.	Section.	Subject of Notification.	Notification.
Cantonments Act, 1889 (XIII of 1889).	20 (1)	Exemption of green fodder for the Native Silahdar Cavalry from octroi duty.	<i>No. 3257-I.A., dated the 8th December, 1898.</i> [Printed, <i>supra</i> , p. 165.]
Ditto . . .	26 & 27	Applying the Contagious Diseases Rules made for all Cantonments in British India by Notification No. 1148, <sup>2</sup> dated the 15th October, 1897.	<i>No. 1290-I.A., dated the 13th May, 1898.</i> [Printed, <i>supra</i> , p. 165.]
Ditto . . .	,,	Applying the Additional Contagious Diseases Rule made by Notification No. 229-J., <sup>3</sup> dated the 3rd March, 1899, for all Cantonments in British India.	<i>No. 1097-I.A., dated the 28th April, 1899.</i> [Printed, <i>supra</i> , p. 166.]
Ditto . . .	27	Applying the Cantonment Fund Rules published in Military Department G. O. No. 597, <sup>4</sup> dated the 2nd May, 1896.	<i>No. 3552-I.A., dated the 21st November, 1896.</i> [Printed, <i>infra</i> , p. 245.]
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Directing that all powers conferred by section 2 (1) may be exercised by the Local Government.	<i>No. 1421-I.A., dated the 15th April, 1897.</i> [Printed, <i>supra</i> , p. 166.]

<sup>1</sup> See also section I of this Chapter.<sup>2</sup> See *Gazette of India*, 1897, Pt. I, p. 941.<sup>3</sup> See *Gazette of India*, 1899, Pt. I, p. 134.<sup>4</sup> See *Gazette of India*, 1896, Pt. I, p. 379.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*

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## A.—BRITISH-INDIAN ENACTMENTS.

### Local Rules and Orders under Acts in force generally in all Native States.

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#### Appointment of a Justice of the Peace.

*No. 126, dated the 24th June, 1873.*—\* \* \*<sup>1</sup> And in exercise of the powers conferred by section 6 of Act XI of 1872 (the Foreign Jurisdiction and Extradition Act, 1872),<sup>2</sup> the Governor General in Council is pleased to appoint the person holding the office of Cantonment Magistrate of Nowgong for the time being, and being a European British subject, to be a Justice of the Peace.

[See *Gazette of India*, 1873, Pt. I, p. 596.]

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#### Appointment of a Registrar of Births and Deaths, and a Registrar General.

*No. 3998-I., dated the 30th September, 1891.*—printed, *supra*, p. 60.

## B.—BRITISH-NOWGONG ENACTMENTS.

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### 1.-(a) Notifications applying Acts of the Governor General in Council.

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The Lunatic Asylums Act, 1858 (XXXVI of 1858,) as amended by Act XVIII of 1886 and Act XX of 1889.

*No. 5019-I., dated the 23rd December, 1891.*—printed, *supra*, p. 74.

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#### The Police Act 1861 (V of 1861)

*No. 841(b)-I.B., dated the 1st April, 1899.*—printed, *supra*, p. 74.

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The Indian Registration Act, 1877 (III of 1877), as amended by Acts XII of 1879, VII of 1886 and VII of 1888.

*No. 1367-I., dated the 25th April, 1890.*—printed, *supra*, p. 93.

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#### The Indian Stamp Act, 1879 (I of 1879)<sup>3</sup>

*No. 1366-I dated the 25th April 1890*—printed *supra* p. 92.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—1.—(a) Notifications applying Acts—*contd.*****The Hackney Carriage Act, 1879 (XIV of 1879).**

*No. 3073-I., dated the 18<sup>th</sup> September, 1890.*—The Governor General in Council is pleased to apply to the Cantonment of Nowgong the provisions, so far as they may be suitable, of the Hackney Carriage Act (XIV of 1879).

[See *Gazette of India*, 1890, Pt. I, p. 696.]

**The Indian Income-tax Act, 1886<sup>1</sup> (II of 1886).**

*No. 296-I., dated the 26<sup>th</sup> January, 1887.*—The Governor General in Council is pleased to extend Act II of 1886 (An Act for imposing a tax on income derived from sources other than agriculture) to the Cantonment of Nowgong, subject to the modifications hereinafter set forth—

- (1) For “British India”, wherever the phrase occurs, read “the Cantonment of Nowgong”.
- (2) In sections 22 and 43, for “India” read “the Cantonment of Nowgong”.
- (3) In section 30 (1), for “any part of the territories administered by the Local Government to which he is subordinate”, and in section 38 (1), for “the territories subject to that Government”, read “the Cantonment of Nowgong”.
- (4) For “a Local Government”, and “the Local Government”, wherever those phrases occur, read “the Agent to the Governor General in Central India”.
- (5) In sections 27 and 34 (2), for “the Commissioner of the Division”, in section 28 (in both places in which the word occurs) for “Commissioner”, and in section 40 for “a Commissioner of Division”, read “the Political Agent, Bundelkhand”.
- (6) In section 1, for sub-section (1), read “(1) This Act extends to the Cantonment of Nowgong” and for “the passing of this Act” in sub-section (3), read “the date of this Notification”.
- (7) In section 3, for clause (9), read “(9) ‘Collector’ means the Cantonment Magistrate of Nowgong”.
- (8) In section 23, third clause, insert “or” after “receiver”.
- (9) Omit the following :—
  - (a) Section 2 and the first schedule.
  - (b) In section 3—
 

“body of port commissioners” in clause (1); clause (5), from and including “and includes”;

“a Presidency Magistrate or” in clause (6).
  - (c) In section 18—
 

clause (c) of sub-section (1); “or clause (c)” in sub-sections (2) and (3); “or served” in sub-section (3).
  - (d) In section 22 “the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees”.

<sup>1</sup> This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, *General Acts*, Vol. VI, Ed. 1898, p. 331.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—1.-(a) Notifications applying Acts—*contd.*****The Indian Income-tax Act, 1886 (II of 1886)—*contd.***

## (e) In section 23—

“a Court of Wards, an Administrator General or an Official Trustee” in the second clause.

“or Court”, “or its” and “Court of Wards, Administrator General or Official Trustee”, in the third clause.

## (f) In section 32, clause (e), “district or districts.”

## (g) In section 43, “or a Court of Wards, Administrator General or Official Trustee”.

## (h) Sections 47 and 48.

## (i) in the second schedule, Part I, Art 2.

- (10) For the period ending on the 31st day of March, 1887, the Act shall be read as though the dates specified in the second column of the following table were substituted for those specified against them in the first column.

1	2
Thirty-first day of March. First day of April, 1886. Fifteenth day of April. First day of June.	Thirty-first day of January. First day of February, 1887. Fifteenth day of February. First day of April, 1887.

[See *Gazette of India*, 1887, Pt. I, p. 50.]

**The Cantonments Act, 1889 (XIII of 1889.)**

*No. 5024-I., dated the 24th December, 1891.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Cantonments Act (XIII of 1889), so far as circumstances admit, to the Cantonment of Nowgong, subject to the following modifications:—

- (1) For the words “Local Government,” wherever they occur, the words “Agent to the Governor General in Central India” shall be substituted.

- (2) For section 4 the following words shall be substituted:—

“4. The Governor General in Council may, by Notification in the official Gazette, define the limits of the Cantonment of Nowgong for the purposes of this Act, and of all other enactments for the time being in force.”

- (3) For section 7 the following section shall be substituted:—

“7. The Cantonment Magistrate shall be such person as the Governor General in Council may, from time to time, by name or in virtue of his office, appoint in this behalf, and shall exercise the powers of a District Magistrate and such other powers described in the

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—1.-(a) Notifications applying Acts—*contd.*The Cantonment Act, 1889 (XIII of 1889)—*contd.*

Code of Criminal Procedure, 1882,<sup>1</sup> as the Governor General in X of 1882. Council may from time to time confer upon him."

- (4) For the first portion of section 8, down to and including the word "order," the following words shall be substituted:—

"The Agent to the Governor General in Central India may appoint the Cantonment Magistrate to be the Judge of the Court of Small Causes, and shall in his order"

- (5) Section 8, sub-section (2), and section 9 shall be omitted.

- (6) For section 10 the following section shall be substituted:—

"10. The Cantonment Magistrate presiding over the Court of Small Causes at the commencement of this Act shall be deemed to have been appointed Judge of the said Court under section 4 of the Nowgong Small Cause Court Law, 1891,<sup>2</sup> and, in the absence of any order of the Agent to the Governor General in Central India to the contrary, to have jurisdiction with respect to all suits cognizable by a Court of Small Causes under the said Law and of which the value does not exceed five hundred rupees".

\* \* \* \* \*

- (8) In section 17, for the words "the territories administered by such Government" each time they occur, the words "British India" shall be substituted.

- (9) In sub-section (1) of section 18, for the words "any Cantonment which is not included in a Municipality and which is situated in any part of British India in which that Act is in force" the words "the Cantonment of Nowgong" shall be substituted.

- (10) For sub-sections (1) and (2) of section 27 the following shall be substituted, namely:—

"(1) Whenever the Governor General in Council has, by a Notification in the *Gazette of India*, extended, under section 25, any enactment in any form to any Cantonment or any part of any Cantonment in British India, or made, under section 26, any rule for any such Cantonment, or any part of any such Cantonment, the Governor General in Council may, by Notification in the *Gazette of India*, declare the enactment or rule so extended or made to be in force in the Cantonment of Nowgong or any part thereof, subject to such restrictions and modifications, if any, as he may think fit.

"(2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Nowgong or the part thereof, as the case may be, until the Governor General in Council shall otherwise direct."

II.—For the purpose of facilitating the application of the Cantonments Act, XIII of 1889, 1889, in the Cantonment of Nowgong, any Court in the said Cantonment may con-

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 83.

<sup>2</sup> Printed on page 225.

<sup>3</sup> Clause (7) is repealed by Notification No. 841 (b) I.B., dated the 1st April, 1899, printed, *supra*, p. 74.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*concl'd.*

**B. - British-Nowgong Enactments—1.-(a) Notifications applying Acts—*concl'd.***

**The Cantonment Act, 1889 (XIII of 1889)—*concl'd.***

strue it with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

III.—The Notification of the Government of India in the Foreign Department, No. 24-I.J., dated 27th January, 1881, is hereby cancelled.

[See *Gazette of India*, 1891, Pt. I, p. 704.]

**The Revenue Recovery Act, 1890 (I of 1890).**

*No. 1415-I A., dated the 30th April, 1890.*—printed *infra*, p. 347.

Application of certain Acts and providing for the administration of Civil and Criminal Justice and the Police.

*No. 5022-I., dated the 21st December, 1891* — printed, *supra*, p. 97.

**The Epidemic Diseases Act, 1897 (III of 1897).**

*No. 443-I.A., dated the 4th February, 1897.*—printed, *infra*, p. 349.

**The Cantonments Act, 1897 (XV of 1897).**

*No. 1288-I.A., dated the 13th May, 1898.*—printed, *supra*, p. 96.

**The Code of Criminal Procedure, 1898 (Act V of 1898).**

*No. 2691-I.A., dated the 7th October, 1898.*—printed, *supra*, p. 83.

**1.-(b) Special Local Laws.**

**Local Government for purposes of paragraph 28 (17) of the Bengal Army Regulations.**

*No. 2559-I., dated the 29th July, 1886.*—It is hereby declared that in the case of the Cantonments of Sipri,<sup>1</sup> Nowgong and Satna, the Agent to the Governor General in Central India shall be the Government for the purpose of paragraph 28, section 17, of the Bengal Army Regulations.

[See *Gazette of India*, 1886, Pt. I, p. 453.]

**Recovery of Revenue arrears accruing in British India.**

*No. 1415-I., dated the 30th April, 1890.*—printed, *infra*, p. 347.

<sup>1</sup> Sipri was abandoned as a British Cantonment in 1896, and the site given back to the Gwalior Durbar.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*

## B.—BRITISH-NOWGONG ENACTMENTS.

## 1.-(b) Special Local Laws.

Orders as to Courts established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summons between such Courts, British Indian Courts and certain Courts in Native States.

Nos. 1361-I. to 1364-I., dated the 29th March 1889, and Nos. 1366-I. to 1369-I., dated *idem*, and Nos. 2182-I. and 2183-I., dated the 2nd July 1890.—printed, *infra*, pp. 336 to 343.

## The Nowgong Small Cause Court Law, 1891.

No. 5025-I., dated the 24th December, 1891.—Whereas it is expedient to amend the law relating to the Court of Small Causes in the Cantonment and Civil Lines of Nowgong (hereinafter referred to as “Nowgong”), the Governor General in Council has been pleased to make the following rules:—

## CHAPTER I.

## PRELIMINARY.

1. (1) These rules may be called the Nowgong Small Cause Court Law, 1891, Title and commencement. and are hereinafter referred to as “this Law”; and

- (2) They shall come into force on the 24th December, 1891.

Savings.

2. Nothing in this Law shall be construed to affect—

- (a) any proceedings before or after decree in any suit instituted before the commencement of this Law; or
- (b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature; or
- (c) any local law or any special law other than the Code of Civil Pro-<sup>XIV of 1882.</sup> cedure as applied<sup>1</sup> in Nowgong (hereinafter referred to as “the Code”).

## CHAPTER II.

## CONSTITUTION OF THE COURT OF SMALL CAUSES.

3. (1) The Court of Small Causes established in the Cantonment of Nowgong by Notification of the Government of India in the Foreign Department, No. 170, dated the ninth day of July, 1866<sup>2</sup> (hereinafter referred to as the Court of Small Causes), is hereby continued.

The local limits of the jurisdiction of the Court of Small Causes shall be the limits for the time being of Nowgong, and the Court may be held at such place within those limits as the Agent to the Governor General in Central India may from time to time appoint.

4. The Agent to the Governor General in Central India shall, by order in writing, appoint a Judge of the Court of Small Causes, and may suspend or remove from office any Judge.

Judge so appointed.

<sup>1</sup> See Notification No. 5025-I., dated the 24th December, 1891, printed, *supra*, p. 97.

<sup>2</sup> See *Gazette of India*, 1866, p. 941.



CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—1.(b) Special Local Laws—*contd.*****The Nowgong Small Cause Court Law, 1891—*contd.***

5. Subject to any orders of the Agent to the Governor General in Central India in this behalf, the law or practice for the time being applicable to the appointment, punishment and transfer of ministerial officers of the District Court in Nowgong shall, so far as it can be made applicable, apply to the appointment, punishment and transfer of ministerial officers of the Court of Small Causes.

6. (1) The ministerial officers of the Court of Small Causes shall, in addition to any duties mentioned in this Law or in any other enactment for the time being in force as duties of ministerial officers, discharge such duties of a ministerial nature as the Judge may from time to time direct.

(2) The Agent to the Governor General in Central India may from time to time make rules consistent with this Law, and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of the Court of Small Causes such powers and duties as he may think fit, and prescribing the mode in which powers and duties so conferred and imposed are to be exercised and performed.

## CHAPTER III.

## JURISDICTION OF THE COURT OF SMALL CAUSES.

7. (1) The Court of Small Causes shall not take cognizance of the suits specified (as being excepted from the cognizance of a Court of Small Causes) in the second schedule to IX of 1887. the Provincial Small Causes Courts Act, 1887.<sup>1</sup>

(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment or order for the time being in force, all suits of a civil nature of which the value does not exceed five hundred rupees shall be cognizable by the Court of Small Causes.

## CHAPTER IV.

## PRACTICE AND PROCEDURE.

8. (1) The procedure prescribed in the Chapters and sections of the Code which are specified in the second schedule thereto shall, so far as those Chapters and sections are applicable, be the procedure to be followed in the Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits:

Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of

<sup>1</sup> Printed, General Acts, Vol. V, Ed. 1898, p. 128.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—1.-(b) Special Local Laws—*contd.*****Nowgong Small Cause Court Law, 1891—*contd.***

the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(2) Where any person has become liable as surety under the proviso to sub-section (1), the security may be realized in manner provided by section 253 of the Code.

9. When the Judge of the Court of Small Causes is absent, the chief ministerial officer of the Court may exercise from time to time the power which the Court possesses of adjourning the hearing of any suit or other proceeding, and fix a day for the further hearing thereof.

Adjournment of cases by chief ministerial officer.

10. (1) Notwithstanding anything in the foregoing provisions of this Law, when the right of a plaintiff and the relief claimed by him in the Court of Small Causes depend upon the proof or disproof of a title to immovable property or other title which the Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

Return of plaints in suits involving questions of title.

(2) When the Court returns a plaint under sub-section (1), it shall comply with the provisions of the second paragraph of section 57 of the Code, and make such order with respect to costs as it may deem just.

11. Where an order specified in section 588, clause (29), of the Code is made by the Court of Small Causes, an appeal therefrom shall lie to the Political Agent for Bundelkhand.

Appeals from certain orders of the Court of Small Causes.

12. The Agent to the Governor General in Central India, for the purpose of satisfying himself that a decree or order made in any case decided by the Court of Small Causes is according to law, may call for the case and may pass, with respect to any case so called for, such order as he may think fit.

Revision of decrees and orders of the Court of Small Causes.

13. Save as provided by this Law, a decree or order made under the foregoing provisions of this Law by the Court of Small Causes shall be final.

Finality of decrees and orders.

## CHAPTER V.

## SUPPLEMENTAL PROVISIONS.

14. The Court of Small Causes shall be subject to the administrative control of the Political Agent for Bundelkhand and to the superintendence of the Agent to the Governor General in Central India, and shall—

Subordination of the Court of Small Causes.

(a) keep such registers, books and accounts as the Agent to the Governor General in Central India may from time to time prescribe; and

(b) comply with such requisitions as may be made by the Political Agent for Bundelkhand, or the Agent to the Governor General in Central India, for records, returns and statements in such form and manner as the authority making the requisition may direct.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*

B.—British-Nowgong Enactments—1.-(b) Special Local Laws—*concl'd.*

Nowgong Small Cause Court Law, 1891—*concl'd.*

15. The Court of Small Causes shall use a seal of such form and dimensions as may be prescribed by the Agent to the Governor General in Central India.

Seal.

16. An application for a review of judgment by the Court of Small Causes made after the lapse of fifteen days from the date of the decree or order may be dismissed although limitation has not been set up as a defence.

Limitation of application for review of judgment.

[See *Gazette of India*, 1891, Pt. I, p. 704.]

Printing and publication of newspapers and other printed works.

No. 2651.-I., dated the 25th June, 1891.—printed, *infra*, p. 348.

Execution of warrants of capital sentences of British Courts beyond British India.

No. 1431.-I., dated the 29th April, 1893.—printed, *infra*, p. 345.

The Mhow, Neemuch and Nowgong Excise Law, (1898).

No. 741-I.B., dated the 17th March, 1898.—printed, *supra*, p. 105.

2.-Local Rules and Orders under Acts of the Governor General in Council locally applied.

Order under the Cattle Trespass Act, 1871.

No. 8690, dated 30th November, 1898.—In exercise of the powers conferred by section 26 of the Cattle Trespass Act (I of 1871), as applied to the Cantonment of Nowgong by the Notifications of the Government of India in the Foreign Department, No. 5022-I.,<sup>1</sup> dated the 24th December, 1891, and No. 970-I., dated the 20th March, 1895, the Agent to the Governor General in Central India is pleased to direct in respect to the said Cantonment that the first portion of the said section shall be read as if it had reference to cattle generally instead of to pigs only.

[See *Gazette of India*, 1898, Pt II, p. 1362.]

Order under the Registration Act, 1877, as to formation of district, etc.

No. 1370-I., dated the 25th April, 1890.—I.—With reference to sections 4, 5, 6, 7 and 8 of the Indian Registration Act (III of 1877), as applied to the Cantonment of

<sup>1</sup> Printed, *supra*, p. 97.

CHAPTER III.—II (3) THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.***

Order under the Registration Act, 1877, as to formation of district, etc.—*contd.*

Nowgong, the Governor General in Council is pleased to make the following orders :—

- (1) All the powers and duties conferred and imposed by the Act upon the Inspector-General of Registration shall be exercised and performed within the Cantonment of Nowgong by the Agent to the Governor General in Central India for the time being.
- (2) For the purposes of the Act, the Cantonment of Nowgong shall form a district and also a sub-district.
- (3) The Cantonment Magistrate at Nowgong, for the time being, shall be the Registrar and Sub-Registrar of the said district and sub-district, respectively.
- (4) The office of the Cantonment Magistrate at Nowgong, for the time being, shall be the office of the Registrar and Sub-Registrar.
- (5) The Political Agent in Bundelkhand, for the time being, shall be Inspector of Registration offices for the Cantonment of Nowgong.

II.—The Notification of the Government of India in the Foreign Department, No. 158-J., dated the 14th August, 1874, is hereby cancelled, in so far as it was applicable to the Cantonment of Nowgong.

[See *Gazette of India*, 1890, Pt. I, p. 259.]

Rules under section 69 of the Indian Registration Act, 1877, and a table of Registration fees leviable thereunder.

No. 1466-I., dated the 8th April, 1890, and No. 1372-I., dated the 25th April, 1890, respectively.—printed, *supra*, pp. 115 and 131, respectively.

**Rules under the Hackney Carriage Act.**

No. 3204-I.,<sup>1</sup> dated the 25th September, 1890 —The following rules under sections 3, 4, 5 and 6 of the Hackney Carriage Act (XIV of 1879), as applied to the Cantonment of Nowgong by Foreign Department Notification No. 3073-I.,<sup>2</sup> dated the 18th September, 1890, shall have force in the said Cantonment :—

I. No hackney carriage of any kind shall be let to hire, or taken to ply or offered for hire except under a license granted in that behalf as provided in these rules.

II. No person shall act as driver of a hackney carriage except under license granted in that behalf as provided in these rules.

III. Every hackney carriage within cantonment limits, and every driver of a hackney carriage shall be licensed by an officer appointed for the purpose by the Cantonment Committee, and the said officer shall keep a register in which he shall enter every hackney carriage under its class, and give it a number by which it shall be known.

IV. The owner of any carriage who is desirous of having it licensed as a hackney carriage must apply to the licensing officer, stating the class in which he

<sup>1</sup> These rules were brought into operation on the 15th November, 1890, see Notification No. 5235, dated the 2nd December, 1890, *Gazette of India*, 1890, Pt. II, p. 739.

<sup>2</sup> Printed ...

CHAPTER III.—II (8)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act —*contd.***

desires that the carriage may be licensed, and he shall submit the carriage, harness and horses to be used therewith, for the inspection of the licensing officer at such time and place as the said officer shall appoint. The licensing officer shall, after such inspection, decide either to grant the license applied for or to refuse it. When a license is granted, the licensing officer shall deliver the license duly signed to the owner of the hackney carriage.

The person in whose name any carriage is licensed shall be deemed the owner of such carriage for the purpose of these rules.

V. The following particulars shall be entered in the register to be kept up by the licensing officer, and shall also be specified in the license to be given to the owner, and they shall be inscribed in English and Urdu on a card,\* which shall be provided by the registering officer, to be affixed to some conspicuous part of the different classes of carriages :—

- ( ) The class in which the carriage is licensed and the number assigned to it in the register.
- (2) The name and residence of the owner of the carriage.
- (3) The description, number and the height of the animals to be employed in drawing such carriage, or the number only, if drawn by camels or bullocks.
- (4) The number of persons the carriage is licensed to carry.
- (5) The weight of luggage the carriage is licensed to carry.

VI. The following shall ordinarily be the classes of hackney carriages :—

*First class.*—Carriages drawn by one horse of the height of 15 hands or over, or two horses of the height of 13 hands or over, regard being had to the condition of the horse or horses and the state of the carriage, which must be such as to entitle it to rank in the first class.

*Second class.*—Carriages drawn by one horse of the height of 14 hands or over, or two horses of the height of 12 hands or over, or one camel. Provided that when any horse or horses are not of the stipulated height, but are nevertheless, in the opinion of the registering officer, fit to draw the carriage of the class in which registration is applied for, registration may be made in that class.

*Third class.*—Ekkas and bullock carts.

VII. Notice of transfer of ownership of any hackney carriage is to be made in writing to the registering officer by the transferee within one week from the date of transfer. The registering officer will thereupon make the necessary alterations in the register, license and card.

VIII. Any person desiring to be licensed as a hackney carriage driver shall apply in person to the licensing officer, who, after ascertaining that he is not incompetent to drive a hackney carriage, may grant him a license as a driver. Provided that the license may be refused whenever the licensing officer is of opinion that it would be inexpedient to grant it to the person applying.

The licensing officer shall keep up a register in which he shall enter the name, father's name, age and residence of all persons who have been licensed as drivers, and also give to each a number in the register.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act—*contd.***

The licensing officer shall, at the time of granting the license, deliver to the driver a ticket containing the number, name, etc., of the driver, and the year for which he has been registered.

IX. The following fees shall be payable for licenses granted under these rules :—

	a.	p.	
(1) For a hackney carriage of the first class . . .	4	0	0 per annum.
(2) For a hackney carriage of the second class . . .	2	0	0 „ „
(3) For a hackney carriage of the third class . . .	1	0	0 „ „
(4) For the driver of a hackney carriage . . .	0	8	0 „ „

X. It shall be the duty of the licensing officer to satisfy himself from time to time that the animals, harness and other things used with a licensed carriage are in a serviceable condition and fit for the public use, and also that they are properly kept. A license may at any time be suspended or revoked when this is not the case.

XI. Every hackney carriage must carry two carriage lamps of the usual pattern, properly fixed with clean glasses, except ekkas and camel and bullock-carts, which must carry one good and sufficient light.

XII. The proprietor, or in his absence some responsible person, shall always be on the premises where the hackney carriages are kept to supply carriages when required. Such officers as may be appointed by the Cantonment Committee may at any time inspect the different carriage yards, premises and stabling, and direct that they be kept properly cleaned and in good order. In default of this the license may be suspended or revoked.

XIII. Licenses issued under these rules shall be in force from the 1st April of the year in which they are granted to the 31st March of the ensuing year.

Licenses granted on any date subsequent to the 1st April shall continue in force to the 31st March following and no longer. Such licenses will be subject to suspension or withdrawal for a breach of any of the rules contained herein by order of a Magistrate in any case which may come before him and under the following circumstances :—

- (1) Allowing an unlicensed hackney carriage to ply for hire.
- (2) Employing or permitting an unlicensed driver to drive a hackney carriage.
- (3) An owner or driver of a hackney carriage beating cruelly, ill-treating, over-driving, torturing or causing or procuring or permitting any animal drawing the same to be cruelly beaten, ill-treated, over-driven, or tortured, or carrying a greater number of passengers or a greater weight of luggage than he is licensed to carry.
- (4) An owner or driver of a hackney carriage harnessing or driving, or permitting to be harnessed or driven, any animal which from sickness, age, wounds or other causes is unfit to be harnessed or driven.
- (5) Being the owner of a hackney carriage of the first, second, or third class which has not a legibly inscribed card affixed to a conspicuous part of it as required by these rules.

CHAPTER III.—II (8)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under  
Acts—*contd.*****Rules under the Hackney Carriage Act—*contd.***

- (6) Being the driver of a hackney carriage and not carrying with him while on duty his ticket in good and legible condition.
- (7) Being the driver of a hackney carriage who shall be drunk during his employment, or make use of insulting or abusing language or gesture, or who shall wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person, or who shall wrongfully prevent or endeavour to prevent the driver of another hackney carriage from being hired, or who being hired by time shall desert from the hiring before he has been discharged by the hirer.
- (8) Being the owner or driver of a hackney carriage who shall demand more than the proper fare to which he is entitled under these rules, or who shall refuse to admit and carry in his carriage the number of persons and amount of luggage for which it is licensed, except on reasonable and sufficient grounds.
- (9) Being the owner of a hackney carriage and omitting to produce the driver employed thereon when ordered by a Magistrate to do so.

XIV. On a hackney carriage being licensed, the owner shall cause the number of the license and class thereof to be distinctly painted in English and Urdu on the outside of the first and second class carriages, and in Urdu only on third class carriages.

XV. The Cantonment Committee may determine the places where hackney carriages shall be allowed to wait for hire, and prohibit them from so doing at any other place.

XVI. The following rates of fare shall be charged by the proprietors and drivers of hackney carriages, and must be paid by any person hiring them :—

*By distance.*

		<i>R a. p.</i>
First class	per mile	0 8 0
Second class	"	6 0 0
Third class	"	0 4 0

*By time.*

		<i>R a. p.</i>
For a day of nine hours	1st class	4 0 0
	2nd "	3 0 0
	3rd "	1 8 0
For half a day of five hours	1st "	1 12 0
	2nd "	1 6 0
	3rd "	0 12 0
For a quarter day of three hours	1st "	1 8 0
	2nd "	1 2 0
	3rd "	0 6 0
For two hours	1st "	1 4 0
	2nd "	0 14 0
	3rd "	0 4 0
For one hour or part of an hour	1st "	0 12 0
	2nd "	0 8 0
	3rd "	0 2 0

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.*****Rules under the Hackney Carriage Act—*contd.***

When a carriage is hired, it will be assumed the hiring is by distance, unless the contrary is stated. But if detention takes place for any period exceeding 15 minutes, the hiring shall be deemed to be by time.

The minimum speed, when hackney carriages are hired by time, shall be for first and second class, five miles an hour; for third class  $2\frac{1}{2}$  miles an hour.

XVII. Fares for distances beyond cantonment limits must be settled by private agreement, as also for carriages of a distinctly superior class kept at hotels and livery stables, for which a special license must be taken out on such terms as the Cantonment Committee may impose. Such carriages may be exempted from all or any of the provisions of these rules at the discretion of the Committee.

XVIII. A driver of a hackney carriage is entitled to claim his discharge from any passenger after having been employed by such passenger for a whole day of nine hours, or at any time in case of himself being sick or his horse being lame or sick, provided that in either case he supplies another hackney carriage to the passenger if required to do so, and another can be found. A driver or owner may refuse to let his carriage under the same circumstances, or when asked to ply beyond cantonment limits, and shall be bound to do so when asked to carry a greater number of passengers or a greater weight of luggage than he is licensed to carry, or any person suffering from a contagious or infectious disease, or a corpse or dead body.

XIX. The number of persons and the weight of property to be carried in a hackney carriage shall be as under:—

Description of carriage.	Load.	
	Passengers.	Luggage.
First class . . . .	Not exceeding 4 passengers	Not exceeding 3 maunds.
Second „ . . . .	Ditto . 4 ditto .	Ditto . 2 ditto.
Third „ . . . .	Ditto . 4 ditto .	Ditto . 2 ditto.

XX. The owner of a hackney carriage shall be bound to exhibit, in a conspicuous part of the inside of each carriage, a schedule (in English and Urdu) of the rates of fare chargeable under these rules for carriages of its class. He shall also be responsible that such list is kept in a good and legible condition. Any person wilfully or wantonly destroying or defacing the same shall be held to have committed a breach of these rules.

XXI. Every driver of a hackney carriage, on being licensed, shall be provided with a numbered badge or ticket, and shall produce his license when required by a Magistrate or such other persons as may be duly authorised by the Cantonment Committee in this behalf. Such licenses and badges are not transferable.

XXII. It shall be incumbent on every driver or owner of a hackney carriage, in which property shall be left, to take the same unless sooner claimed by the owner, to the nearest police station within twenty-four hours; in default to be punishable under section 7, Act XIV of 1879. The Police-officer with whom any such pro-



## CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*

### B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.*

#### Rules under the Hackney Carriage Act—*concl.*

perty shall be deposited shall forward the same to the Cantonment Magistrate or such officer as he may appoint, who shall forthwith enter in a book to be kept for that purpose, the description of such property, and the name and the address of the driver bringing it. The property may be returned to any person claiming the same on satisfactory proof that he is the owner thereof, after payment of all expenses incurred, and a reasonable reward to the driver to be fixed by the Cantonment Magistrate; provided always that, if such property shall not be claimed by, and proved to belong to, some one within one year after the same shall have been deposited, it may be sold or otherwise disposed of, and the proceeds after deducting the expenses shall be given half to the driver and half to the funds of the Cantonment Committee.

XXIII. The orders of the licensing officer appointed under these rules may be appealed to the Cantonment Committee, whose decision shall be final.

[ See *Gazette of India*, 1890, Pt. I, p. 707. ]

#### *Notifications under the Cantonments Act, 1889.*

##### Appointment of a Judge of the Small Cause Court.

No. 4822, dated the 12th July, 1894.—In exercise of the powers conferred by section 8 of the Cantonments Act (XIII of 1889) as applied to the Cantonment of Nowgong by the Notification of the Government of India in the Foreign Department,<sup>1</sup> No. 5024-I., dated the 24th December, 1891, the Agent to the Governor General in Central India hereby appoints the Cantonment Magistrate of Nowgong for the time being to be the Judge of the Court of Small Causes in the Cantonment of Nowgong.

[ See *Gazette of India*, 1894, Pt. II, p. 667. ]

#### Octroi-duties

No. 4160-I., dated the 25th October, 1889.—In exercise of the power conferred by section 21 of the Cantonments Act (III of 1880)<sup>2</sup> in the modified form in which that section is in force in the Cantonment of Nowgong under the Notification of the Foreign Department, No. 34-I.J., dated the 27th January, 1881, the Governor General in Council is pleased to impose the following octroi-duties in the Cantonment of Nowgong, and with effect from the 1st November, 1889, namely:—

Octroi-duties, at the rates specified in the following schedule, shall be levied upon all articles named in the said schedule which are imported into, and sold within, the cantonment:

Provided that no octroi-duty shall be leviable on any article which is the property of Government. Duty shall be paid on goods, the property in which is not vested in Government at the time of import, but which being imported with a view to the fulfilment of a Government contract, or otherwise intended for the use of Government, will, in the ordinary course of things, become after importation the property of Government, but a refund of the same may be subsequently obtained.

<sup>1</sup> Printed, *supra* p. 222.

<sup>2</sup> See now Act XIII of 1889, which was applied to this Cantonment by Notification No. 5024-I., dated the 24th December, 1891, under s. 2 (2) of which the Notification imposing these taxes is kept in force.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.**Octroi-duties—contd.*<sup>1</sup> SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT.

Class.	Name of Article.	Rate.	Per
		<i>Rs a. p.</i>	
I.—Articles of food and drink for men and animals.	Almonds . . . . .	0 12 0	Maund.
	Apricots (dried) . . . . .	0 12 0	"
	Arrowroot . . . . .	0 7 0	"
	Arvi . . . . .	0 0 9	"
	Betel-leaves . . . . .	0 3 0	"
	Betel-nuts . . . . .	0 8 0	"
	Bhusa . . . . .	0 0 3	"
	Butter . . . . .	0 10 0	"
	Chillies, green . . . . .	0 1 0	"
	Chironji . . . . .	0 6 0	"
	Cocoanuts . . . . .	0 6 0	"
	Cocoanut with shells . . . . .	0 3 0	"
	Coffee . . . . .	0 12 6	"
	Cotton seeds . . . . .	0 0 6	"
	Dal, arhar . . . . .	0 0 9	"
	„ masur . . . . .	0 0 9	"
	„ mung . . . . .	0 0 9	"
	„ urd . . . . .	0 0 9	"
	Dates, dry . . . . .	0 6 0	"
	„ wet . . . . .	0 4 0	"
	Fodder, green . . . . .	0 0 3	"
	Fruits (all sorts, . . . . .	0 2 0	"
	Garlic . . . . .	0 1 0	"
	Ghi . . . . .	0 6 0	"
	Ginger, green . . . . .	0 1 0	"

<sup>1</sup> Substituted for the original schedule by Notification No. 1256-I., dated the 19th March, 1891, printed, *infra*, p. 241.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Octroi-duties—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per
		<i>R a. p.</i>	
I.—Articles of food and drink for men and animals— <i>contd.</i>	Gur . . . . .	0 1 0	Maund.
	Grain (all sorts) . . . .	0 0 6	"
	Grass . . . . .	0 0 3	"
	Honey . . . . .	0 4 0	"
	Karbi . . . . .	0 0 3	"
	Khoya . . . . .	0 2 6	"
	Mango chips . . . . .	0 2 6	"
	Methi . . . . .	0 1 3	"
	Mowa berries . . . . .	0 0 6	"
	Mungphali . . . . .	0 2 0	"
	Mustard (rai) . . . . .	0 1 3	"
	Oil-cake . . . . .	0 0 6	"
	Onion . . . . .	0 1 0	"
	Pistachio nuts . . . . .	0 12 0	"
	Potatoes . . . . .	0 1 3	"
	Raisins . . . . .	0 6 0	"
	Rice, 1st sort . . . . .	0 1 6	"
	" 2nd " . . . . .	0 1 0	"
	Sago . . . . .	0 4 6	"
	Singara, dry, 1st sort . . .	0 2 0	"
	" " 2nd " . . . . .	0 1 0	"
	Singara, green, 1st sort . .	0 1 0	"
	" " 2nd " . . . . .	0 0 6	"
	Sugarcandy . . . . .	0 8 0	"
	Sugar, chini . . . . .	0 4 0	"

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889 —contd.**Octroi-duties—contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per
		<i>R a. p.</i>	
I.—Articles of food and drink for men and animals— <i>concl'd.</i>	Sugar Shahjahanpur . . . .	0 8 0	Maund.
	Sugarcane . . . . .	0 0 8	"
	Tamarind . . . . .	0 1 0	"
	Tea . . . . .	2 0 0	"
	Treacle . . . . .	0 1 0	"
	Turmeric . . . . .	0 2 6	"
	Vegetables, 1st sort . . . .	0 1 0	"
	"    2nd " . . . . .	0 0 6	"
	(Perishable vegetables noted below are not liable to duty :— Mango, sharifa, melon, water-melon, green herbs (all sorts), cucumber, radish, cabbage, torai, bhindi).		
	Wheat . . . . .	0 0 9	"
	Yams . . . . .	0 0 9	"
II.—Animals slaughter.	for <i>Nil.</i>		
III.—Articles of fuel, lighting, and washing.	Candles, 1st sort . . . .	0 15 0	"
	"    2nd " . . . . .	0 10 0	"
	Charcoal . . . . .	0 0 8	"
	Firewood . . . . .	0 0 8	Cart.
	Khar . . . . .	0 2 6	Maund.
	Oil, cocoanut . . . . .	0 6 0	"
	Oils (except kerosine) . . .	0 3 6	"
	Oil-seeds . . . . .	0 1 0	"
	Saji . . . . .	0 2 6	"

CHAPTER III. II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.*Octroi-duties—*contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per
		<i>R. a. p.</i>	
III.—Articles of fuel, lighting, and washing— <i>contd.</i>	Soap, bar . . . . .	0 4 0	Maund.
	„ country . . . . .	0 2 6	„
	„ nuts . . . . .	0 0 6	„
IV.—Building materials.	Ballies . . . . .	0 4 0	Cart.
	Bamboos . . . . .	0 4 0	„
	Bricks, burnt . . . . .	0 2 0	1,000.
	Lime for building, 1st sort . . . . .	0 6 0	100 maunds.
	„ „ 2nd „ . . . . .	0 2 0	„
	„ white-washing . . . . .	0 0 3	Maund.
	Rafters (all kinds) . . . . .	0 4 0	Cart.
	Stone rubble . . . . .	0 4 0	„
	„ slabs . . . . .	0 4 0	„
	Tiles, 1st sort . . . . .	0 0 9	1,000.
	„ 2nd „ . . . . .	0 0 6	„
	Wood, jungle . . . . .	0 4 0	Cart.
	„ sál . . . . .	1 0 0	„
	„ shisham . . . . .	1 0 0	„
	„ teak . . . . .	1 0 0	„
	Woods (equally valuable as sál, etc.)	1 0 0	„
V.—Drugs, gums, perfumes, and spices.	Assafetida . . . . .	1 9 0	R100
	Cardamoms, large . . . . .	1 0 0	Maund.
	Cardamoms, small . . . . .	5 0 0	Maund
	Cloves . . . . .	1 9 0	R100
	Ginger, dry . . . . .	1 9 0	„
	Khas . . . . .	0 0 9	Maund.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2-Local Rules and Orders under Acts—*contd.****Notifications under the Cant ments Act, 1889—contd.***Octroi-duties—*contd.*****SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT—*contd.***

Class.	Name of Article.	Rate.	Per
		<i>R a. p.</i>	
V.—Drugs, gums, perfumes, and spices— <i>contd.</i>	Kirana . . . . .	1 9 0	R100
	Nitre . . . . .	0 2 6	Maund.
	Pepper . . . . .	1 9 0	R100
	Saffron . . . . .	2 0 0	„
	Salab-misri . . . . .	1 9 0	„
	Spices of sorts . . . . .	1 9 0	„
VI.—Tobacco . . . . .	Tobacco, 1st sort . . . . .	0 8 0	Maund.
	„ 2nd „ . . . . .	0 2 0	„
	„ 3rd „ . . . . .	0 1 0	„
VII.—Piece-goods and other textile fabrics, manufactured articles of clothing and dress.	Blankets, country . . . . .	0 0 3	Each.
	Carpets . . . . .	1 0 0	R100
	Cotton threads . . . . .	1 9 0	„
	Gota (jhuta) . . . . .	1 0 0	„
	„ (sacha) . . . . .	1 0 0	„
	Gunny . . . . .	1 9 0	„
	Gunny bags . . . . .	1 0 0	„
	Piece-goods of cotton, linen, silken, tasar, woollen, and other articles of clothing and dress . . . . .	1 0 0	„
	Silk . . . . .	1 0 0	„
	Tasar . . . . .	1 9 0	„
	Wool, English . . . . .	1 0 0	„
	„ country . . . . .	0 3 0	Maund.
	Brass ornaments . . . . .	1 9 0	R100.
VIII.—Metals and articles of metal.	„ and all articles made of brass . . . . .	1 9 0	„
	Copper and brass . . . . .	1 9 0	„

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.**Octroi-duties—contd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT—*contd.*

Class.	Name of Article.	Rate.	Per
		<i>R a. a.</i>	
VIII.—Metals and articles of metal— <i>contd.</i>	Iron . . . . .	1 9 0	R100.
	Metals (all descriptions) . . . . .	1 9 0	"
IX.—Miscellaneous articles.	Al . . . . .	1 9 0	"
	Cane . . . . .	1 9 0	"
	Chapra . . . . .	0 15 0	Maund.
	Cotton, with seeds . . . . .	0 1 6	"
	" without seeds . . . . .	0 4 6	"
	" rope . . . . .	1 9 0	R100
	Dyes of sorts . . . . .	1 9 0	"
	Bristles (pig's) . . . . .	1 9 0	"
	Hemp . . . . .	0 0 9	Maund.
	Hides, buffalo, 1st sort . . . . .	0 2 0	Each.
	" " 2nd sort . . . . .	0 1 6	"
	" cow 1st " . . . . .	0 2 0	"
	" " 2nd " . . . . .	0 1 6	"
	" goat, 1st " . . . . .	0 0 6	"
	" " 2nd " . . . . .	0 0 3	"
	" sheep, 1st " . . . . .	0 0 6	"
	" " 2nd " . . . . .	0 0 3	"
	Horns . . . . .	1 9 0	R100
	Ivory . . . . .	1 9 0	"
	Kanch (glass) . . . . .	0 1 0	Maund.
	Kusum . . . . .	1 9 0	R100
	Munga . . . . .	1 9 0	"

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.**Notifications under the Cantonments Act, 1889—contd.**Octroi-duties—concl'd.*SCHEDULE OF OCTROI-DUTIES TO BE LEVIED IN THE NOWGONG CANTONMENT—*concl'd.*

Class.	Name of Article.	Rates.	Per
		<i>R a. p.</i>	
IX.—Miscellaneous articles— <i>contd.</i>	Munj . . . . .	0 0 9	Maund.
	Namda . . . . .	1 9 0	R100
	Niwar . . . . .	1 9 0	„
	Pearl : . . . .	1 9 0	„
	Shoes (country made) . .	1 9 0	„
	Twine, of sorts . . . .	0 2 0	Maund.
	Wax . . . . .	0 10 0	„

NOTE.—Machinery, agricultural implements, and head-loads of firewood, grass and vegetables to pass free.

[See *Gazette of India*, 1889, Pt. I, p. 593.]

## New Schedule for Notification No. 4160-I., dated the 25th October, 1889.

No. 1256-I., dated the 19th March, 1891.—The following schedule is hereby substituted, with effect from the 1st April, 1891, for the schedule published under the Notification of the Government of India in the Foreign Department, No. 4160-I., dated the 25th October, 1889, regarding the levy of octroi-duties in the Cantonment of Nowgong :

(For the schedule see preceding Notification.)

[See *Gazette of India*, 1891, Pt. I, p. 150.]

## Rules for the assessment and recovery of Octroi-duties.

No. 4161-I., dated the 25th October, 1889:—In exercise of the power conferred by section 22 of the Cantonments Act (III of 1880),<sup>1</sup> in the modified form in which that section is in force in the Cantonment of Nowgong under the Notification of the Foreign Department, No. 34-I.J., dated the 27th January, 1881, and of all other powers enabling him in this behalf, and with reference to the Notification of the same Department of this date, imposing octroi-duties in the Cantonment of Nowgong, the Governor General in Council is pleased to apply to the said Cantonment the following rules for the assessment and recovery of the said duties and with effect from the 1st November, 1889 :—

1. Octroi-duties shall be payable on demand, and shall be levied and collected

<sup>1</sup> See now ss. 2 (2) and 17 of Act XIII of 1889, which was applied to this Cantonment by Notification No. 5025-I., dated the 24th December, 1891, printed, *supra*, p. 225.



CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Rules for the assessment and recovery of Octroi-duties—*contd.***

by and under the management of the Cantonment Magistrate and officers subordinate to him.

2. Octroi-duties shall be paid at the octroi stations at which the goods liable thereto enter the Cantonment.

3. Every person in charge of goods shall on arrival at the first octroi station either make or present a declaration stating the description, quantity and value of the goods in his charge, or present a regular invoice for the same.

4. If the Moharir in charge of the octroi station sees cause to challenge any such declaration or to question the correctness of the invoices, he shall send the goods with the declaration or invoice to the Moharir in charge of the Sadar Bazaar station, who may demand to examine and weigh the goods, and shall levy the duty which he shall find to be payable on them after examining and weighing them.

5. Goods which are the property of Government at the time of import shall pass free, if accompanied by an invoice with an endorsement of the proper Government officer certifying that they are the property of Government.

6. Goods the property in which is not vested in Government at the time of import, but which being imported with a view to the fulfilment of a Government contract, or otherwise intended for the use of Government will in the ordinary course of things become the property of Government after importation, shall, on passing any octroi station, be declared as being intended for the use of Government, i.e., in fulfilment of a certain specified contract. The duty on them shall be paid, and subsequently, if they do actually become Government property, the duty shall be refunded on a certificate to that effect signed by the Departmental officer concerned.

7. A receipt will be granted for all octroi-duties levied, specifying the quantities and nature of the goods and the date of their importation.

8. A certificate of exportation will be granted, on application, to every holder of such a receipt who exports goods which correspond in nature with, and do not exceed in quantity, the goods described in the said receipt.

9. On production of an export certificate, accompanied by the corresponding receipt, the amount of duty paid, as per the receipt, in respect of goods of the nature and quantity exported, as per the export certificate, shall be refunded without deduction: provided that the sum claimed amounts to not less than one rupee (Rs.) for each export certificate, and that the exportation has taken place within one year from the date of the receipt.

10. Should the importer be unable to pay the duty at the time of demand, a part of the goods, sufficient in value to cover the amount of the duty due, shall be kept as a security which will be returned to him when the duty has been paid.

11. When the goods arrive at one of the octroi stations on their way into the cantonment, the person in charge of them will be required by the Moharir to declare whether they are in transit or intended for consumption and use in the cantonment.

12. If the person in charge of the goods shall declare that the goods are in transit, and desire to leave the cantonment at once, a pass will be given to him

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Rules for the assessment and recovery of Octroi-duties—*concl'd.***

specifying the octroi station by which he will pass out, where he will give up his pass.

13. Should the person in charge of goods not wish to depart at once, but leave the cantonment without selling any goods within twenty-four (24) hours, no duty shall be levied on them.

14. All octroi-duties not paid on demand, and all expenses reasonably incurred in connection therewith, may be recovered, after a summary inquiry by the Cantonment Magistrate in the manner provided in the <sup>1</sup>Code of Criminal Procedure X of 1882, for the levy of fines.

15. Whoever does anything in contravention of these Regulations relating to octroi-duties, or evades or attempts to evade, or abets the evasion of payment of octroi-duty, shall, for each offence, be punishable with fine not exceeding fifty rupees.

16. A schedule of the octroi-duties leviable, and a copy of these Regulations in the English, Urdu and Hindi languages, shall be furnished to every person employed to collect the said duties, and shall be fixed up in a conspicuous position at each place appointed for collecting the same.

[See *Gazette of India*, 1889, Pt. I, p. 595.]

*No. 4359-I., dated the 22nd December, 1893.*—In exercise of the powers conferred by section 17, sub-section (1), of the Cantonments Act (XIII of 1889) as applied to the Cantonment of Nowgong by the Notification of the Government of India in the Foreign Department,<sup>2</sup> No. 5024-I., dated the 24th December, 1891, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the octroi-duties specified in the schedule to the Notification of the Government of India in the Foreign Department, No. 4160-I., dated the 25th October, 1889, as amended by subsequent Notifications, shall be levied upon all articles named in the said schedule, which are imported into the Cantonment of Nowgong for sale, consumption, or use therein.

[See *Gazette of India*, 1893, Pt. I, p. 691.]

**Latrine Tax.**

*No. 3047, dated the 26th March, 1897.*—In exercise of the powers conferred by section 17, sub-section (1), of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Nowgong by the Notification of the Government of India in the Foreign Department,<sup>2</sup> No. 5024-I., dated the 24th December, 1891, and with the previous sanction of the Governor General in Council, the Agent to

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in this Cantonment in virtue of Notification No. 2691-I.A., dated the 7th October, 1898, printed, *supra*, p. 83.

<sup>2</sup> Printed, *supra*, p. 222.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889—contd.***Latrine Tax—*contd.***

the Governor General in Central India is pleased to impose a latrine tax in the said cantonment, with the effect from the 1st April, 1897, at the following rates:—

- (1) On each private latrine attached to a bungalow situated outside bazaar limits, two rupees a month ;
- (2) On each unit of officers' quarters, one rupee a month ;
- (3) On each private latrine situated within bazaar limits, eight annas a month.

[See *Gazette of India*, 1897, Pt. II, p. 344.]

**Rules for the recovery of the Latrine Tax.**

*No. 3048, dated the 26th March, 1897.*—In exercise of the powers conferred by section 17, sub-section (2), of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Nowgong by the Notification of the Government of India in the Foreign Department,<sup>1</sup> No. 5024-I., dated the 24th December, 1891, and with the previous sanction of the Governor General in Council, the Agent to the Governor General in Central India is pleased to issue the following rules for the recovery of the latrine tax leviable in the said cantonment under his Notification No. 3047, dated the 26th March, 1897 :—

- (1) A list of occupied premises having latrines attached to them shall be prepared monthly by the Cantonment Committee.
- (2) The head of each separate family residing within bazaar limits shall on the 1st April in each year, notify to the Cantonment Committee, in writing, on a form to be supplied by the Cantonment Committee,—  
(1) the number of adults in his household, and (2) whether they use the public latrines or a private latrine attached to the house.
- (3) On the first of each succeeding month he shall be bound to report, in writing, to the tax-collector any changes that should be made in the return originally made by him.
- (4) The head of each household shall be primarily responsible for the tax due by the members of his household.
- (5) Separate monthly registers shall be kept of all private latrines, showing  
(1) the names of persons responsible for the payment of the tax leviable, (2) the number of persons liable to pay the tax, and (3) the amount of the tax due from each.
- (6) The tax assessed under these rules shall be payable on the first day of each month in advance.
- (7) The term "adult" means any person over the age of 16.
- (8) The tax shall be levied for the whole month on adults residing for 15 days or more in bazaar limits, but shall not be levied on adults so residing for less than 15 days.

<sup>1</sup> Printed, *supra*, p. 222.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.***B.—British-Nowgong Enactments—2.-Local Rules and Orders under Acts—*contd.****Notifications under the Cantonments Act, 1889. -contd.***Rules for the recovery of Latrine Tax—*contd.***

- (9) The Cantonment Committee may, by notice in writing, require any owner of property within bazaar limits, or his agent, to furnish within a time to be specified in the notice, a list of all adults residing in or habitually resorting thereto.
- (10) Whoever fails to furnish any information required under rules (2), (3) and (9), or intentionally furnishes false information, shall be punishable with fine which may extend to fifty rupees.
- (11) The Cantonment Committee may, in its discretion, compound with any person liable to pay the tax for a certain sum to be paid either quarterly, half-yearly or yearly in lieu of such tax.
- (12) Arrears of the tax assessed under these rules may be recovered on application to a Magistrate having jurisdiction within the limits of the cantonment by the distress and sale of any moveable property belonging to the defaulter within those limits.
- (13) Any person who denies his liability to be taxed, or who is dissatisfied with the amount imposed, may apply to the Cantonment Committee to review the assessment. The Committee shall on such application fix a date for the hearing of such application, and shall hear and decide the question or questions in issue, and shall thereupon, if necessary, review the assessment or make such other order in the matter as it deems just.
- (14) The Cantonment Committee may, by resolution, depute its Secretary to perform its functions or exercise its powers under all or any of these rules other than rules (11) and (13).

[See *Gazette of India*, 1897, Pt. II, p. 244.]**Exemption of green fodder for Native Silahdar Cavalry from octroi-duty.***No. 3257-I.A., dated the 8th December, 1898.—printed, supra, p. 165.***Application of the Contagious Diseases Rules in force in British Indian Cantonments to Nowgong.***No. 1290-I.A., dated the 13th May, 1898, and No. 1097-I.A., dated the 28th April, 1899.—printed, supra, p. 165.***Application of the Cantonment Fund Rules in force in Cantonments in British India to Nowgong.**

*No. 3552-I.A., dated the 1st November, 1896.*—In exercise of the powers conferred by section 27 of the Cantonments Act (XIII of 1889), as applied to the Cantonment of Nowgong by the Notification of the Government of India in the Foreign Department, <sup>1</sup> No. 5024-I., dated the 24th December, 1891, the Governor General in Council is pleased to declare that the rules published with the G. O. of

<sup>1</sup> Printed, *supra*, p. 222.

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CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*contd.*

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**B.—British-Nowgong Enactments—2.—Local Rules and Orders under Acts—*concl'd.***

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**Application of the Cantonment Fund Rules in force in Cantonment in British India to Nowgong—*contd.***

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the Government of India in the Military Department, No. 597,<sup>1</sup> dated the 22nd May, 1896, shall be in force in the Cantonment of Nowgong.

[See *Gazette of India*, 1896, Pt. I, p. 953.]

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**Delegation of powers under the Epidemic Diseases Act, 1897 (III of 1897).**

*No. 444-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

*No. 1421-I.A., dated the 15th April, 1897.—printed, supra, p. 166.*

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<sup>1</sup> See *Gazette of India*, 1896, Pt. I, p. 379.

CHAPTER III.—II (3)—THE NOWGONG CANTONMENT—*conclud.*

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## SUPPLEMENTARY NOTES.

**Assistant Political Agent.**—The Cantonment Magistrate of Nowgong for the time being has been appointed to be *ex-officio* Assistant to the Political Agent in Bundelkhand, ~~see~~ Notification No. 1284-G., dated the 31st July, 1890, in *Gazette of India*, 1890, Pt. I, p. 597.



CHAPTER III.—II (4)—THE CANTONMENT OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA.

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## CHAPTER III.

CANTONMENTS—*contd.*

## II (4).—CANTONMENTS OF AGAR, GUNA, SEHORE, SIRDARPUR AND SATNA.

The British Enactments in force locally in the Cantonments of Agar, Guna, Sehore, Sirdarpur and Satna treated separately consist of—

*A.—British-Indian Enactment, namely,—*

Local Order under an Act in force generally in all Native States.

*B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments, namely,—*

Local Laws made by the Governor General in Council—

1. (a) Acts of the Governor General in Council locally applied.  
(b) Special Local Laws.
2. Local Order under an Act of the Governor General in Council locally applied.



# CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE, SIRDARPUR AND SATNA.

## A.—British-Indian Enactment.

### LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13, 24 (2)	Appointment of a Registrar of Births and Deaths for the Satna Cantonment <sup>1</sup> with reference to section 11, clause (b), of the Act, and a Registrar-General of Births, Deaths and Marriages.	No. 3988-I., dated the 30th September, 1891. [Printed, <i>supra</i> , p. 60.]

<sup>1</sup> This Notification is also in force in the other cantonments of this group as being part of the Agencies in which they are situated, but the Cantonment of Satna is the only one of them that is specifically provided for therein. As to status of Satna, see first footnote on p. 254 below.

CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA—*contd.**B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Extent of application.	Notification.
Indian Penal Code, 1860 (XLV of 1860).	The whole Act, so far as circumstances admit and as amended by subsequent enactments.	No. 4370-I., dated the 28th November, 1892. [Printed, <i>infra</i> , p. 254.]
Whipping Act, 1864 (VI of 1864).	Ditto . . . .	Ditto.

<sup>1</sup> See also Section I of this Chapter.

# CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE, SIRDARPUR AND SATNA—*contd.*

## B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments.

### 1.-(b) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject of Notification.	Notification.
1886	Declaring the Agent, Governor General, Central India, to be the Government for the purpose of paragraph 28, section 17, of the Bengal Army Regulations [Ed. 1880].	<sup>2</sup> No. 2559-I., dated the 29th July, 1886. [Printed, <i>supra</i> , p. 224.]
1889	Notifying the Court of the Political Agent, Guna, among other Courts as having been established or continued by the Governor General in Council.	<sup>3</sup> No. 1361-I., dated the 29th March, 1889. [Printed, <i>infra</i> , p. 336.]
1889 & 1890	Providing for— (1) Execution of decrees— (a) of British Indian Courts by the Court of the Political Agent, Guna; (b) of the Court of the Political Agent, Guna, by Courts established or continued by the Governor General in Council in Native States and, <i>vice versa</i> ; and (2) Service of summons— (a) of British Indian Civil and Revenue Courts, by the Court of Political Agent, Guna; (b) of the Court of the Political Agent, Guna, by Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Hyderabad, Central India, Mysore, and in Bombay Native States by the Court of the Political Agent, Guna.	<sup>3</sup> Nos. 1362-I. to 1364-I., dated the 29th March, 1889, and 2183-I., dated the 2nd July, 1890. [Printed, <i>infra</i> , pp. 338 to 340.]  <sup>3</sup> Nos. 1366-I. to 1368-I., dated the 29th March, 1889, and 2182-I., dated the 2nd July, 1890. [Printed, <i>infra</i> , pp. 342 and 343.]
1891	Powers of all Political Agents and the Agent to the Governor General respectively, in the States within the Agency and therefore in these local areas under the Code of Criminal Procedure, and procedure of Political Agents when acting as a Court of Session.	No. 5023-I., dated the 24th December, 1891. [Printed, <i>supra</i> , p. 46.]
1892	Delegation of powers of Local Government for the purposes of the Indian Penal Code, the Whipping Act and the Code of Criminal Procedure.	No. 4370-I., dated the 28th November, 1892. [Printed, <i>infra</i> , p. 254.]

<sup>1</sup> See also Section I of this Chapter.

<sup>2</sup> Notification No. 2559-I., dated the 29th July 1886, applies to Satna only.

<sup>3</sup> Notifications Nos. 1361-I. to 1364-I., 1366-I. to 1369-I., dated the 29th March, 1889, and No. 2182-I., dated the 2nd July, 1890, apply to the Cantonment of Guna only.

<sup>4</sup> For Political Agent Guna read now Assistant to the Resident at Gwallor.

CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE, SIRDARPUR AND SATNA—*contd.**B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments.*2.-LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Section.	Subject of Notification.	Notification.
Code of Criminal Procedure, 1898 (Act V of 1898).	12	Investiture of Officers Commanding the Regiments of Central India Horse at Guna and Agar with the powers of a Magistrate of the second class within the Cantonments of Guna and Agar respectively.	<sup>2</sup> Nos. 1967 and 1968, dated 26th February, 1897. [Printed, <i>infra</i> , p. 256.]
Ditto . . .	12 & 39 . . .	Investing the Superintendent of Sehore with the powers of a Magistrate of the 1st class as defined in section 32 of the Code and with powers under section 37 to try summarily the offences indicated in section 260, Chapter XXII of the said Code.	<sup>3</sup> No. 1427, dated the 24th February, 1898. [Printed, <i>infra</i> , p. 256.]

<sup>1</sup> See also Section I of this Chapter.<sup>2</sup> These Notifications issued under Act X of 1892 and kept in force by section 2 (2) of Act V of 1898, which applies to Guna, Agar and Sehore in virtue of Notification No. 1241-I. A., dated the 7th October, 1898, *supra*, p. 77.

CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA—*contd.*

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**B.—BRITISH-AGAR, GUNA, SEHORE, SIRDAR-  
PUR AND <sup>1</sup>SATNA ENACTMENTS.**

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**1.-(a)—Notifloations applying Acts of the Governor General in  
Council.**

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The Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by Act XVIII of 1886 and Act XX of 1889.

*No. 5019-I., dated the 23rd December, 1891.*—printed, *supra*, p. 74.

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The Police Act, 1861 (V of 1861)

*No. 841(b)-I.B., dated the 1st April, 1899.*—printed, *supra*, p. 74.

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**Application of certain Acts relating to Criminal Justice.**

*No. 4370-I., dated the 28th November, 1892.*—Whereas the Governor General in Council has power and jurisdiction within the local areas described as the Cantonments of Agar, Guna, Sehore, Satna and Sirdarpur within the limits of the Central India Agency ; In exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :—

I.—(1) The provisions, so far as circumstances admit and as amended for the time being by subsequent enactments, of the Indian Penal Code (Act XLV of 1860), the Whipping Act (VI of 1864), and the Code of Criminal Procedure (Act X of 1882),<sup>2</sup> are hereby applied to the said local areas, subject to the following modifications in the case of the Code of Criminal Procedure, 1882, namely :—

(a) the Court of Session may take cognizance of any offence as a Court of original jurisdiction without the accused being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down for the trial of warrant-cases by Magistrates ;

(b) trials before the Court of Session may be without jury or aid of assessors.

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<sup>1</sup> Except the Political Agent's escort, no troops are quartered in Satna, and on that account it has not on all occasions been consistently regarded as a Cantonment.

<sup>2</sup> Read now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied to the Cantonments of Agar, Guna, Sehore and Sirdarpur by Notification No. 2691-I.A., dated the 7th October, 1898, and to the Cantonment of Satna by Notification No. 841 (a)-I.B., dated the 1st April, 1899, printed *supra*, p. 83.

CHAPTER III.—II(4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA—*contd.*

**B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments—1.-(a)**  
**Notifications applying Acts—*contd.***

(2) For the purposes of these Acts the Agent to the Governor General in Central India shall be deemed to be the Local Government.

(3) For the purpose of facilitating the application of these Acts in the said local areas any Court in the said local areas may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

II.—The following Notifications of the Government of India in the Foreign Department, so far as they may be still in force, are hereby cancelled :—

No. 53, dated the 5th May, 1870.  
No. 209-J., dated the 26th November,  
1874.  
No. 167-I., dated the 11th October,  
1878.  
No. 37-I. J., dated the 21st January,  
1881.

No. 139-I.J., dated the 24th June,  
1881.  
No. 142-I.J., dated the 26th June,  
1881.  
No. 145-I.J., dated the 24th June,  
1881.  
No. 3726-I., dated the 23rd Novem-  
ber, 1885.

[ See *Gazette of India*, 1892, Pt. I, p. 705.]

**The Indian Stamp Act, 1879 (I of 1879).<sup>1</sup>**

No. 1366-I., dated the 25th April, 1890.—printed, *supra*, p. 82.

**The Revenue Recovery Act, 1890 (I of 1890).**

No. 1415-I., dated the 30th April, 1890.—printed, *infra*, p. 347.

**The Epidemic Diseases Act, 1897 (III of 1897).**

No. 444-I.A., dated the 4th February, 1897.—printed, *infra*, p. 349.

**The Code of Criminal Procedure, 1898 (Act V of 1898).**

No. 2691-I.A., dated the 7th October, 1898, and No. 841 (a)-I. B., dated the 1st April, 1899.—printed, *supra*, p. 83.

**1.-(b) Special Local Laws.**

**Powers of a Local Government for purposes of Section 17 (26) of the Bengal Army Regulations.**

No. 2559-I., dated the 29th July, 1886.—It is hereby declared that in the case of the Cantonments of *Sipri*,<sup>2</sup> Nowgong and Satna, the Agent to the Governor General in Central India shall be the Government for the purpose of paragraph 28, section 17, of the Bengal Army Regulations.

[See *Gazette of India*, 1886, Pt. I, p. 453.]

<sup>1</sup> Repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

<sup>2</sup> *Sipri* was abandoned as a British Cantonment in 18.6, and the site given back to the Gwalior Durbar.

CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA—*contd.*

**B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments—1.-(b)**  
**Special Local Laws—*contd.***

Orders as to Court established or continued by the Governor General in Council at Guna, and the reciprocal execution of decrees and service of summons between that Court, British Indian Courts and certain Courts in Native States.

*No. 1361-I. to 1364-I., dated the 29th March 1889, and No. 1366-I. to 1368-I., dated idem, and No. 2152-I. and 2183-I., dated the 2nd July 1890.—printed, infra, pp. 336 to 343 respectively.*

**Recovery of Revenue Arrears in British India.**

*No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

**Printing and publication of newspapers and other printed works.**

*No. 2651-I., dated the 25th June, 1891.—printed, infra, p. 348.*

**Execution of Warrants of capital sentences of British Courts beyond British India.**

*No. 1431-I., dated the 27th April, 1893.—printed, infra, p. 345.*

**2.-Local Rules and Orders under Acts of the Governor General in Council locally applied.**

*Orders under the Code of Criminal Procedure, 1898 (Act V of 1898.)*

**Superintendent of Sehore invested with 1st class Magistrate's powers.**

*No. 1427, dated the 24th February, 1898.*—Under sections 12 and 39 of the Code of Criminal Procedure, the Agent to the Governor General in Central India hereby invests the Superintendent of Sehore with the powers of a Magistrate of the 1st class as defined in section 32 of that Code, and under section 37 of the said Code with powers to try summarily the offences indicated in section 260, Chapter XXII, of the same Code.

[ See *Gazette of India*, 1898, Pt. II, p. 251. ]

**Officers Commanding Regiments of Central India Horse at Guna and Agar invested with 2nd class Magistrate's powers.**

*No. 1967, dated the 26th February, 1897.*—In exercise of the powers conferred by the Government of India in the Foreign Department Notification<sup>1</sup> No. 4370-I., dated the 28th November, 1892, the Agent to the Governor General in Central India hereby authorises the officer for the time being Commanding the Regiment of Central India Horse at Agar to exercise, within the limits of the

<sup>1</sup> Printed, *supra*, p. 254.

CHAPTER III.—II (4)—THE CANTONMENTS OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA—*contd.*

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**B.—British-Agar, Guna, Sehore, Sirdarpur and Satna Enactments—2.-Local  
Rules and Orders under Acts—*contd.***

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**Officers Commanding Regiments of Central India Horse at Guna and Agar invested  
with 2nd Class Magistrate's powers—*contd.***

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Agar Cantonment the powers of a Magistrate of the 2nd class as described in the Code of Criminal Procedure of 1882.<sup>1</sup>

[ See *Gazette of India*, 1897, Pt. II, p. 247. ]

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*No. 1968, dated the 26th February, 1897.*—In exercise of the powers conferred by the Government of India in the Foreign Department Notification<sup>2</sup> No. 4370-I., dated the 28th November, 1892, the Agent to the Governor General in Central India hereby authorises the officer for the time being Commanding the Regiment of Central India Horse at Guna to exercise within the limits of the Guna Cantonment the powers of a Magistrate of the 2nd class as described in the Code of Criminal Procedure of 1882.<sup>1</sup>

[ See *Gazette of India*, 1897, Pt. II, p. 247. ]

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**Delegation of powers under the Epidemic Diseases Act, 1897 (III of 1897).**

*No. 444-I.A., dated the 4th February, 1897.*—printed, *infra*, p. 349.

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<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in these Cantonments in virtue of Notification No. 2691-I.A., dated the 7th October, 1898, printed *supra*, p. 83. For the Code, see General Acts, Ed. 1898, Vol. VI, p. 380.

<sup>2</sup> Printed *supra*, p. 254.



CHAPTER III.—II (4)\*—THE CANTONMENTS OF AGAR, GUNA, SEHORE,  
SIRDARPUR AND SATNA—*consolid.*

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SUPPLEMENTARY NOTES.

**1.—Civil Justice.**—Under the system at present in force in these stations disputes are either settled by Panchayats or by the Resident Political Officer, who takes as his guide the more important provisions of the Code of Civil Procedure.

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS.

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## CHAPTER IV.

## THE INDORE RESIDENCY BAZAARS.

The British Enactments in force locally in the Indore Residency Bazaars consist of :—

*A.—British Indian Enactment, namely,—*

Local Order under an Act in force generally in all Native States.

*B.—British-Indore Residency Bazaars Enactments, namely,—*

1.—Local Laws made by the Governor General in Council—

(a) Acts of the Governor General in Council locally applied ;

(b) Special Local Laws.

2.—Local Rules and Orders—

under an Act of the Governor General in Council locally applied.

## CHAPTER IV.—THE INDORE RESIDENCY BAZAARS.

*A.—British-Indian Enactment.*

## LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 and 24 (2).	Appointment of a Registrar of Births and Deaths with reference to section 11 (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-1., dated the 30th September, 1891. [Printed, <i>supra</i> , p. 60.]

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.**B.—British-Indore Residency Bazaars Enactments.*

## 1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Extent of application.	Notification.
Lunatic Asylums Act, 1858 (XXXVI of 1858).	The whole Act, so far as it may be suitable, and as amended by Acts XVIII of 1886 and XX of 1889, and see the Notification.	No. 5019-I., dated the 23rd December, 1891. [Printed, <i>supra</i> , p. 74.]
Police Act, 1861 (V of 1861).	See the Notification.	No. 841 (b)-I.B., dated the 1st April, 1899. [Printed, <i>supra</i> , p. 74.]
Indian Registration Act, 1877 (III of 1877).	The whole Act, so far as it may be suitable and as amended by certain Acts.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 264.]
Indian Stamp Act, 1879 (I of 1879). <sup>1</sup>	The whole Act, so far as it may be suitable.	No. 1366-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 264.]
Indian Registration and Limitation Acts Amendment Act, 1879 (XII of 1879).	So far as it amends the Registration Act (III of 1877) and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 264.]
Code of Civil Procedure (Act XIV of 1882).	The whole Act, so far as it may be applicable.	No. 1494-I., dated the 14th May, 1885. [Printed, <i>infra</i> , p. 265.]
Registration Act Amendment Act, 1886 (VII of 1886).	So far as it amends the Registration Act (III of 1877) and so far as its provisions may be suitable.	No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 264.]
Lunatic Asylums Act Amendment Act, 1886 (XVIII of 1886).	The whole Act, so far as it may be suitable.	No. 5019-I., dated the 23rd December, 1891. [Printed, <i>supra</i> , p. 74.]
Debtors Act, 1888 (VI of 1888).	The whole Act, so far as it modifies the procedure prescribed by the Code of Civil Procedure, and so far as it is applicable.	No. 469-I., dated the 1st February 1889. [Printed, <i>infra</i> , p. 265.]
Civil Procedure Code Amendment Act, 1888 (VII of 1888).	So far as it modifies the procedure prescribed by the Code of Civil Procedure, and so far as it amends the Registration Act and so far as it is applicable.	<i>Ditto and Notification</i> No. 1367-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 264.]
Lunatic Asylums Amendment Act, 1889 (XX of 1889).	The whole Act, so far as it is suitable.	No. 5019-I., dated the 23rd December, 1891. [Printed, <i>supra</i> , p. 74.]
Revenue Recovery Act, 1890 (I of 1890).	The whole Act . . . . .	No. 1415-I., dated the 30th April, 1890. [Printed, <i>infra</i> , p. 347.]
Epidemic Diseases Act, 1897 (III of 1897).	Ditto . . . . .	No. 443-I. A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]

<sup>1</sup>Act I of 1870 is repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.**B.—British-Indore Residency Bazaars Enactments.*

## 1.-(b) SPECIAL LOCAL LAWS.

When made.	Subject.	Notification.	Reference.
1883	Conferring certain magisterial powers in respect of proceedings against persons other than European British subjects, within the limits of the Indore Residency and Jail respectively; and prescribing the procedure of the First Assistant when acting as a Court of Session.	No. 1769-I., dated the 27th June, 1883, <sup>1</sup> as amended by No. 1687-I., dated the 26th May, 1885.	Printed, <i>supra</i> , p. 47.
1885	Investing officers with civil powers within the limits of the Indore Residency.	No. 1494-I., dated the 14th May, 1885.	Printed, <i>infra</i> , p. 265.
1889	Notifying the Civil Judge's Court at Indore, among other Courts, as having been established or continued by the Governor General in Council.	No. 1361-I., dated the 29th March, 1891.	Printed, <i>infra</i> , p. 336.
1889 & 1890	Providing for— (1) the execution of decrees— (a) of British Indian Courts by the Civil Judge's Court, Indore; (b) of the Civil Judge's Court, Indore, by Courts established or continued by the Governor General in Council in Native States and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States by the Civil Judge's Court, Indore; (2) service of summons— (a) of British Indian Civil and Revenue Courts by the Civil Judge's Court, Indore; (b) of the Civil Judge's Court, Indore, by Courts established or continued by the Governor General in Council in Native States; (c) of certain Courts in Hyderabad, Central India and in Bombay Native States, by the Civil Judge's Court, Indore.	Nos. 1362-I. to 1364-I., dated the 29th March, 1889, and 2183-I., dated the 2nd July, 1890.  Nos. 1366-I. to 1368-I., dated the 29th March 1889, and 2182-I., dated the 2nd July, 1890.	Printed, <i>infra</i> , pp. 338 to 340.  Printed <i>infra</i> , pp. 342 and 343.
1890	Recovery of revenue arrears accruing in British India.	No. 1415-I., dated the 30th April, 1890.	Printed, <i>infra</i> , p. 347.
1891	Printing and publication of newspapers and other printed works.	No. 2651-I., dated the 25th June, 1891.	Printed, <i>infra</i> , p. 348.
1893	Empowering British Courts beyond British India to send their warrants for the execution of capital sentences to Jails in British India.	No. 1431-I., dated the 27th April, 1893.	Printed, <i>infra</i> , p. 345.
1896	Indore Residency Bazaars Small Cause Court Law, 1896.	No. 725-I., dated the 21st February, 1896.	Printed, <i>infra</i> , p. 266.

<sup>1</sup> So far as this Notification relates to the Indore Residency, it may clearly be classified as a Special Local Law.

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.**B.—British-Indore Residency Bazaars Enactments.*

## 2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Section.	Subject of Notification.	Notification.
Indian Registration Act, 1877 (III of 1877).	4 to 8	Conferring powers forming a district and sub-district, appointing a Registrar and Sub-Registrar therefor, fixing the offices of the Registrar and Sub-Registrar, and appointing an Inspector of Registration Offices.	No. 1371-I., dated the 25th April, 1890. [Printed, <i>infra</i> , p. 269.]
Ditto	69	Rules under the section	No. 1466, dated the 8th April, 1890. [Printed, <i>supra</i> , p. 115.]
Ditto	78 & 79	Prescribing a table of fees	No. 1372-I., dated the 25th April, 1890. [Printed, <i>supra</i> , p. 131.]
Epidemic Diseases Act, 1897 (I of 1897).	2 (3)	Delegating powers conferred by section 2, (2), (b).	No. 444-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]

<sup>1</sup> Added by Notification No. 3203-I.B., dated the 25th November, 1898, see *Gazette of India*, 1898, Pt. I, p. 1149.

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CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.*

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**A.—BRITISH-INDIAN ENACTMENT.**

**Local Order under an Act in force generally in all Native States.**

Appointment of a Registrar of Births and Deaths and a Registrar General.

*No. 3998-I., dated the 30th September, 1891.*—printed, *supra*, p. 60.

**B.—BRITISH-INDORE RESIDENCY BAZAARS ENACTMENTS.**

**1.-(a) Notifications applying Acts of the Governor General in Council.**

The Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by Acts XVIII of 1886 and XX of 1889.

*No. 5019-I., dated the 23rd December, 1891.*—printed, *supra*, p. 74.

The Police Act, 1861 (V of 1861).

*No. 841-I.B., dated the 1st April, 1899.*—printed, *supra*, p. 74.

The Registration Act, 1877 (III of 1877), as amended by Act XII of 1879, VII of 1886 and VII of 1888.

*No. 1367-I., dated the 25th April 1890.*—The Governor General in Council is pleased to declare that the provisions, so far as they may be suitable, of the Indian Registration Act, III of 1877, as amended by Acts XII of 1879, VII of 1886, and VII of 1888, section 65, are applied \* \* \*<sup>1</sup> and to the Residency Bazaars at Indore.

[See *Gazette of India*, 1890, Pt. I, p. 259.]

The Indian Stamp Act, 1879 (I of 1879).<sup>2</sup>

*No. 1366-I., dated the 25th April, 1890.*—The Governor General in Council is pleased to declare that the provisions, so far as they may be suitable, of the Indian Stamp Act, I of 1879, are applied to \* \* \*<sup>1</sup> and to the Residency Bazaars at Indore.

2. The Notifications of the Government of India in the Foreign Department, No. 3, dated the 9th January, 1868, and No. 32-J., dated the 4th March, 1870, are hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 259.]

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<sup>1</sup> The part omitted relates to certain Cantonments in the Central India Agency.

<sup>2</sup> Repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.***B.—British-Indore Residency Bazaars Enactments—1.-(a) Notifications applying Acts—*contd.***


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The Code of Civil Procedure ( Act XIV of 1882 ).

No. 1494-I., dated the 14th May, 1885.—printed, *infra*.

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The Debtors Act, 1888 ( VI of 1888 ).

No. 469-I., dated the 1st February, 1889.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct, with reference to clause 4 of Foreign Department Notification No. 1494-I., dated the 14th May, 1885, that all officers exercising civil jurisdiction within the limits of the Indore Residency shall follow the procedure prescribed by the Debtors Act (VI of 1888), and the Civil Procedure Code Amendment Act (VII of 1888), in so far as it modifies the procedure prescribed by the Code of Civil Procedure (XIV of 1882), and is applicable to the lands within the said limits.

[See *Gazette of India*, 1889, Pt. I, p. 75.]

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The Revenue Recovery Act, 1890 ( I of 1890 ).

No. 1415-I., dated the 30th April, 1890.—printed, *infra*, p. 347.

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The Epidemic Diseases Act, 1897 (III of 1897).

No. 443-I.A., dated the 4th February 1897.—printed, *infra*, p. 349.

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### 1.-(b)—Special Local Laws.

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Notification providing for the exercise of Criminal Jurisdiction.

No. 1769-I., dated the 27th June, 1883.—printed, *supra*, p. 47.

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Notification providing for the exercise of Civil Jurisdiction.

No. 1494-I., dated the 14th May, 1885.—Whereas under the existing practice the Attaché of the Central India Agency for the time being, and the First Assistant to the Agent to the Governor General in Central India for the time being, and the Agent to the Governor General in Central India for the time being, exercise certain civil jurisdiction within the limits of the Indore Residency; and whereas it is expedient to remove all doubts as to the legality of their exercise of those powers:—In virtue of the authority conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879,) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification, namely:—

- (1) The Attaché of the Central India Agency for the time being is invested, and shall be deemed to have been always invested, with the powers of a District Court for hearing original suits, whatever be the amount or value of the subject-matter, within the limits of the Indore Residency.



CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.***B.—British-Indore Residency Bazaars Enactments—1.-(b) Special Local Laws—*contd.*****Notification providing for the exercise of Civil Jurisdiction—*contd.***

- (2) The First Assistant to the Agent to the Governor General in Central India for the time being is invested, and shall be deemed to have been always invested, with the powers of an Appellate Court for hearing appeals from the decrees and orders of the said Attaché.
- (3) The Agent to the Governor General in Central India for the time being is invested and shall be deemed to have been always invested, with the powers of a High Court for hearing appeals from the decrees or orders passed in appeal by the said First Assistant.
- (4) All officers exercising civil jurisdiction within the said limits shall follow the procedure prescribed by Act XIV of 1882 (the Code of Civil Procedure), so far as it may be applicable to the lands within the said limits.

[See *Gazette of India*, 1885, Pt. I, p. 295.]

Order as to Court established or continued by the Governor General in Council at Indore and the reciprocal execution of decrees and service of summons between that Court, British Indian Courts and certain Courts in Native States.

*Nos. 1361-I. to 1364-I., dated the 29th March 1889, and Nos. 1366-I. to 1368-I., dated idem, and Nos. 2182-I. and 2183-I., dated the 2nd July 1890.*—printed, *infra*, pp. 336 to 343.

**Recovery of Revenue arrears accruing in British India.**

*No. 1415-I., dated the 30th April, 1890.*—printed, *infra*, p. 347.

**Printing and publication of newspapers and other printed works.**

*No. 2651-I., dated 25th June 1891.*—printed, *infra*, p. 348.

**Execution of Warrants of Capital Sentences of British Courts beyond British India.**

*No. 1431-I., dated the 27th April, 1893.*—printed, *infra*, p. 345.

**Indore Residency Bazaars Small Cause Court Law, 1895.**

*No. 725-I., dated the 21st February, 1896.*—Whereas it is expedient to provide for the more easy recovery of small debts and demands in the Indore Residency Bazaars :

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following Law :—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Law may be called the Indore Residency Bazaars Small Cause Court Law, 1895, and is hereinafter referred to as "this Law" ; and  
 Title and commencement.
- (2) It shall come into force on the 1st March, 1896.

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.***B.—British-Indore Residency Bazaars Enactments—1.-(b) Special Local Laws—*contd.*****Indore Residency Bazaars Small Cause Court Law, 1895—*contd.*****2. Nothing in this Law shall be construed to affect—**

- (a) any proceedings before or after decree in any suit instituted before the commencement of this Law ; or
- (b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature ; or
- (c) any law whether local or special other than the Code of Civil Procedure<sup>1</sup> as applied to the Indore Residency Bazaars (hereinafter referred to as “the Code”).

## CHAPTER II.

## CONSTITUTION OF A COURT OF SMALL CAUSES.

**3. (1) A Court of Small Causes (hereinafter referred to as “the Court”) is hereby established in the Residency Bazaars.**

Establishment of Court of Small Causes in the Indore Residency Bazaars.

(2) The local limits of the jurisdiction of the Court shall be the limits for the time being of the Indore Residency Bazaars, and the Court shall be held at such place within those limits as the Agent to the Governor General in Central India (hereinafter referred to as “the Agent to the Governor General”) may from time to time appoint.

**4. The Agent to the Governor General may, by order in writing, appoint a Judge of the Court, and may suspend or remove from office any Judge so appointed.**

Appointment of Judge.

5. Subject to any orders of the Agent to the Governor General in this behalf, the law or practice for the time being applicable to the appointment, punishment and transfer of ministerial officers of the District Court in the Indore Residency Bazaars shall, as far as possible, apply to the appointment, punishment and transfer of ministerial officers of the Court.

6. (1) The ministerial officers of the Court shall, in addition to any duties mentioned in this Law or in any other enactment for the time being in force as duties which are, or may be, imposed on any of them, discharge such duties of a ministerial nature as the Judge may from time to time direct.

Duties of ministerial officers.

(2) The Agent to the Governor General may from time to time make rules consistent with this Law and with any other enactment for the time being in force conferring and imposing on the ministerial officers of the Court such powers and duties as he may think fit, and prescribing the mode in which powers and duties so conferred and imposed are to be exercised and performed.

## CHAPTER III.

## JURISDICTION OF THE COURT OF SMALL CAUSES.

7. (1) The Court shall not take cognizance of any suit of any of the classes specified (as being excepted from the cognizance of a Court of Small Causes) in the second schedule to the Provincial Small Cause Courts Act, 1887.<sup>1</sup>

<sup>1</sup> See para. 4 of Notification No. 1494-I., dated the 14th May, 1895, printed, *supra*, p. 265.

## CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.*

### B.—British-Indore Residency Bazaars Enactments—1.—(b) Special Local Laws—*contd.*

#### Indore Residency Bazaars Small Cause Court Law, 1895—*contd.*

(2) Subject to the exceptions set forth in the said schedule and to the provisions of any enactment or order for the time being in force, all suits of a civil nature of which the value does not exceed one thousand rupees, or such smaller sum as the Agent to the Governor General may from time to time fix in this behalf, shall be cognizable by the Court.

8. If any suit is instituted in any other Court having jurisdiction in the Indore Residency Bazaars which, in the opinion of the Judge who tries the same (whose opinion shall be final), ought to have been instituted in the Court, no costs shall be allowed to a successful plaintiff and a successful defendant shall be allowed his costs as between attorney and client.

## CHAPTER IV.

### PRACTICE AND PROCEDURE.

9. (1) The procedure prescribed in the chapters and sections of the Code which are specified in the second schedule thereto, shall, so far as those chapters and sections are applicable, be the procedure to be followed in the Court in all suits cognizable by it and in all proceedings arising out of such suits:

Application of the Code. Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment as the Court may direct.

(2) Where any person has become liable as surety under the proviso to sub-section (1), the security may be realized in the manner provided by section 253 of the Code.

10. When the Judge is absent, the chief ministerial officer of the Court may adjournment of cases by chief from time to time exercise the power which the ministerial officer. Judge possesses of adjourning the hearing of any suit or other proceeding, and may fix a day for the further hearing thereof.

11. (1) Notwithstanding anything in this Law, when the right of a plaintiff and the relief claimed by him in the Court depend upon the proof or disproof of a title to immoveable property or other title which the Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

(2) When the Court returns the plaint under sub-section (1) it shall comply with the provisions of the second paragraph of section 57 of the Code, and make such order with respect to costs as may be just.

12. When any such order as is specified in section 588, clause (29), of the Code is made by the Court, an appeal therefrom shall lie to the First Assistant to the Agent to the Governor General.

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*contd.***B.—British-Indore Residency Bazaars Enactments—1.-(b) Special Local Laws—*concl'd.*****Indore Residency Bazaars Small Cause Court Law, 1895—*concl'd.***

13. The Agent to the Governor General may, for the purpose of satisfying himself that a decree or order made in any case decided by the Court was according to law, call for the record and pass, with respect thereto, such order as he may think fit.

14. Save as otherwise provided by this Law every decree or order made by the Court shall be final.

## CHAPTER V.

## SUPPLEMENTAL PROVISIONS.

15. The Court shall be subject to the superintendence of the Agent to the Governor General and to the administrative control of the First Assistant to the Agent to the Governor General, and shall—

(a) keep such registers, books and accounts as the Agent to the Governor General may from time to time prescribe, and

(b) comply with such requisitions as may be made by the Agent to the Governor General or his First Assistant for records, returns and statements in such form and manner as the authority making the requisition directs.

16. The Court shall use a seal of such form and dimensions as shall be prescribed by the Agent to the Governor General.

17. An application for a review of judgment made to the Court after the expiration of fifteen days from the date of the decree or order concerned may be dismissed although limitation has not been set up as a defence.

[See *Gazette of India*, 1896, Pt. I, p. 1177.]

**2.-Local Rules and Orders under Acts of the Governor General in Council locally applied.****Order under the Registration Act, 1877, as to formation of district, etc.**

No. 1371-I, dated the 25th April, 1890.—With reference to sections 4, 5, 6, 7 and 8 of the Indian Registration Act (III of 1877), as applied to the Residency Bazaars at Indore, the Governor General in Council is pleased to make the following orders :—

- (1) All the powers and duties conferred and imposed by the Act upon the Inspector General of Registration shall be exercised and performed within the Residency Bazaars at Indore by the Agent to the Governor General in Central India for the time being.

CHAPTER IV.—THE INDORE RESIDENCY BAZAARS—*concl'd.*

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**B.—British-Indore Residency Bazaars Enactments—2.—Local Rules and Orders under Acts—*cont'd.***

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**Order under the Registration Act, 1877, as to formation of district, etc.—*cont'd.***

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- (2) For the purposes of the Act the Residency Bazaars at Indore shall form a district and also a sub-district.
- (3) The Civil Judge at Indore for the time being shall be the Registrar and Sub-Registrar of the said district and sub-district, respectively.
- (4) The office of the Civil Judge at Indore for the time being shall be the office of the Registrar and Sub-Registrar.
- (5) The First Assistant to the Agent to the Governor General in Central India for the time being shall be Inspector of Registration Offices for the Residency Bazaars at Indore.

[See *Gazette of India*, 1890, Pt. I, p. 260.]

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**Rules under section 69 of the Registration Act, 1877.**

*No. 1466, dated the 8th April, 1890.—printed, supra, p. 115.*

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**Table of fees under sections 78 and 79 of the Indian Registration Act, 1877.**

*No. 1372-I., dated the 25th April, 1890.—printed, supra, p. 131.*

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**Delegation of powers under section 2 (2) (b) of the Epidemic Diseases Act, 1897.**

*No. 444-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

## CHAPTER V.—RAILWAYS UNDER BRITISH JURISDICTION.

## CHAPTER V.

RAILWAYS UNDER BRITISH JURISDICTION.<sup>1</sup>

Railways.	States.
1.—Bengal-Nagpur Railway <sup>2</sup> . . . . .	Rewah.
2.—Indian Midland Railway, <sup>3</sup> comprising—	
(i) Bhopal-Ujjain Railway . . . . .	{ Bhopal. Dewas, Senior. Dewas, Junior. Gwalior. Indore.
(ii) Guna-Bina Railway . . . . .	Gwalior.
(iii) Jhansi-Agra Section . . . . .	{ Datia. Dholpur. <sup>4</sup> Gwalior.
(iv) Jhansi-Bhopal-Itarsi Section . . . . .	{ Bhopal. Gwalior. Khanadadana. Kurwai. Orchha.
(v) Jhansi-Cawnpore Section . . . . .	Samthar.
(vi) Jhansi-Manikpur Section . . . . .	{ Alipura. Garrauli. Orchha. Pahra. Taraon.
(vii) Saugor-Katni Section . . . . .	Panna.
3.—The Rajputana-Malwa Railway, comprising—	
(i) Cawnpore-Achnera State Railway . . . . .	Bharatpur. <sup>4</sup>
(ii) Godhra-Rutlam-Nagda Railway <sup>5</sup> . . . . .	{ Gwalior. Indore. Jhabua. Rutlam. Sailana.
(iii) Holkar State Railway . . . . .	Indore.
(iv) Nagda-Ujjain Railway . . . . .	Gwalior.
(v) Neemuch-Nasirabad State Railway . . . . .	{ Gwalior. Mewar. <sup>4</sup> Tonk. <sup>4</sup>

<sup>1</sup> The lands occupied by the East Indian Railway in the Central India States of Bhaironda, Kothi, Myhera, Nagade Panna, Rewah and Sohawal have been ceded to the British Government in full sovereignty, and therefore now form a part of British India.

<sup>2</sup> This Railway also passes through States under the political control of the Chief Commissioner of the Central Provinces and the Lieutenant-Governor of Bengal, as to which see Part II, Chap. II, *supra*, pp. 31 to 37, and the Northern India Volume.

<sup>3</sup> This Railway includes the lines which were formerly known as the Bhopal State Railway and the Sindhia State Railway, respectively.

<sup>4</sup> These States are in the Rajputana Agency, as to which see the Rajputana Volume.

<sup>5</sup> The Godhra-Rutlam-Nagda Railway also passes through the Baria State, as to which see the Western India Volume.

CHAPTER V.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*

Railways.	States.
3.—The Rajputana-Malwa Railway comprising— <i>concl'd</i> —	
(vi) <i>Rajputana State Railway</i> . . . . .	<div> <div>Alwar.<sup>1</sup></div> <div>Bharatpur.<sup>1</sup></div> <div>Jaipur.<sup>1</sup></div> <div>Jodhpur.<sup>1</sup></div> <div>Kishangarh.<sup>1</sup></div> <div>Nabha.<sup>2</sup></div> <div>Pataudi.<sup>2</sup></div> </div>
(vii) <i>Rewari-Ferozepore Railway</i> . . . . .	<div> <div>Dujana.<sup>2</sup></div> <div>Faridkot.<sup>2</sup></div> <div>Jhind.<sup>2</sup></div> <div>Nabha.<sup>2</sup></div> <div>Patiala.<sup>2</sup></div> </div>
(viii) <i>Sindhia-Neemuch State Railway</i> . . . . .	<div> <div>Dhar.</div> <div>Gwalior.</div> <div>Indore.</div> <div>Jaora.</div> <div>Rutlam.</div> <div>Sailana.</div> </div>
(ix) <i>Western Rajputana State Railway</i> . . . . .	<div> <div>Baroda.<sup>3</sup></div> <div>Jodhpur.<sup>1</sup></div> <div>Palanpur.<sup>3</sup></div> <div>Sirohi.<sup>1</sup></div> </div>

<sup>1</sup> These States are in the Rajputana Agency, as to which *see* the Rajputana Volume.<sup>2</sup> These States are in the Punjab, as to which *see* the Northern India Volume.<sup>3</sup> For these States, *see* the Western India Volume.

CHAPTER V.—RAILWAYS UNDER BRITISH JURISDICTION.

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## CHAPTER V.

## RAILWAYS UNDER BRITISH JURISDICTION.

I.—CENTRAL INDIA RAILWAYS GENERALLY.

II.—PARTICULAR RAILWAY LINES OR SYSTEMS IN CENTRAL INDIA.

The British Enactments in force locally in Central India Railways generally consist of—

*British-Central India Railway Enactments, namely,—*

1. Local Laws made by the Governor General in Council—
  - (a) Acts of the Governor General in Council locally applied ;
  - (b) Special Local Laws,
2. Local Rules and Orders—

under Acts of the Governor General in Council locally applied.



## CHAPTER V.—I.—RAILWAYS IN CENTRAL INDIA GENERALLY.

*British-Central India Railway Enactments.*

## 1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Extent of application.	Notification.
Lunatic Asylums Act, 1858 (XXXVI of 1858).	The whole Act and <i>see</i> the Notification.	No. 3474-I., dated the 21st October, 1895, and No. 1181-I., dated the 9th April, 1896. [Printed, <i>infra</i> , p. 277.]
Revenue Recovery Act, 1890 (I of 1890).	The whole Act . . . . .	No. 1415-I., dated the 30th April, 1889. [Printed, <i>infra</i> , p. 347.]
Indian Railways Act, 1890 (IX of 1890).	The whole Act so far as it may be suitable, and as amended by subsequent enactments.	No. 3063-I.B., dated the 13th August, 1897. [Printed, <i>infra</i> , p. 278.]
Epidemic Diseases Act, 1897 (III of 1897).	The whole Act . . . . .	No. 443-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]

CHAPTER V.—I.—RAILWAYS IN CENTRAL INDIA GENERALLY—*contd.**British-Central India Railway Enactments.*

## 1.-(b) SPECIAL LOCAL LAWS.

When made.	Subject of Notification.	Notification.	Reference.
1890	Recovery of revenue arrears accruing in British India.	No. 1415-I, dated the 30th April, 1890.	Printed, <i>infra</i> , p. 347.
1891	Printing and publication of newspapers and other printed works.	No. 2651-I, dated the 25th June, 1891.	Printed, <i>infra</i> , p. 348.
1893	Empowering British Courts beyond British India to send their warrants for the execution of capital sentences to jails in British India.	No. 1431-I, dated the 27th April, 1893.	Printed, <i>infra</i> , p. 345.
1895	<sup>1</sup> Arms Rules . . . . .	No. 3573-I, dated the 29th October, 1895, as amended by No. 1505-I, dated the 8th May, 1896. No. 3289-I.B., dated the 28th August, 1897, and No. 2143-I.B., dated the 5th August, 1898.	Printed, <i>infra</i> , p. 284.

<sup>1</sup> These Arms Rules are in force in all Central India Railways except the Rewah Section of the Bengal-Nagpur line, the Saugor-Katn Section of the Indian Midland Railway, and the Indore Section of the Rajputana-Malwa Railway south of the Nerbudda.

CHAPTER V.—I.—RAILWAYS IN CENTRAL INDIA GENERALLY—*contd.**British-Central India Railway Enactments.*

## 2.-LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Section.	Subject of Notification.	Notification.
Indian Railways Act, 1890 (IX of 1890).	16 & 148	Sanctioning the use of motive power and rolling-stock.	No. 3063-I.B., dated the 13th August, 1897. [Printed, <i>infra</i> , p. 278.]
Ditto	47	General rules for working open lines of railway.	Ditto.
Ditto	44	General rules for working railways under construction.	Ditto.
Ditto	94 & 85.	Rules under the sections	Ditto.
Ditto	135	Declaring Railway Administrations liable to pay certain local taxes.	Ditto.
Ditto	141	Declaring the Chief Commissioner of the Central Provinces to be the Local Government for— (a) The Bengal-Nagpur Railway—the part passing through the State of Rewah, (b) The Saugor-Katni Section of the Indian Midland Railway, (c) The Holkar State Railway—the portion which lies south of the Nerbudda River, and declaring the Agent to the Governor General for Central India to be the Local Government for all other Central India lines.	Ditto.
Ditto	„	Delegating certain powers and functions to the Local Government.	Ditto.
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegating to the Local Government the powers conferred by section 2 (2) (b).	No. 444-I.A., dated the 4th February, 1897. [Printed, <i>infra</i> , p. 349.]
Ditto	2 (2) (b)	Regulations for the inspection of persons travelling by railway and the segregation of persons suspected of plague.	Dated 18th February, 1897. [Printed, <i>infra</i> , p. 288.]

## BRITISH-CENTRAL INDIA RAILWAY ENACTMENTS.

### 1.-(a) Notification applying Acts of the Governor General in Council.

The Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by subsequent enactments.

*No. 3474-I., dated the 21st October, 1895.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act XXXVI of 1858 (An Act relating to Lunatic Asylums), as amended by subsequent enactments, to the railway lands within the Central India Agency, subject to the modification that for section 17A of the said Act XXXVI of 1858 the following shall be substituted, namely:

“The Governor General in Council may from time to time appoint an asylum in British India to be the asylum to which any Magistrate or Judge exercising jurisdiction within the limits of any railway lands in the Central India Agency may send lunatics or any class of lunatics as to an asylum established under this Act for those limits.”

(2) For the purpose of these provisions the Agent to the Governor General in Central India shall be deemed to be the Executive Government.

(3) For the purpose of facilitating the application of these provisions in the lands, any Court therein may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

[See *Gazette of India*, 1895, Pt. I, p. 866.]

*No. 1181-I., dated the 9th April, 1896.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that to section 4 of Act XXXVI of 1858 (An Act relating to Lunatic Asylums), as applied to railway lands within the Central India Agency by the Notification of the Government of India in the Foreign Department, No. 3474-I., dated the 21st October, 1895, the following shall be added, namely:

“Provided also that if a lunatic is an inhabitant of a Native State in the Central India Agency, the Magistrate may, with the consent of the Native State concerned, make him over to the care of such State.”

[See *Gazette of India*, 1896, Pt. I, p. 255.]

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.***British-Central India Railway Enactments—1-(a) Notifications applying Acts—*contd.***

The Revenue Recovery Act, 1890 (I of 1890).

*No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

The Railways Act, 1890 (IX of 1890) and orders thereunder and in connection therewith.

<sup>1</sup> *No. 3063-I.B., dated the 13th August, 1897.*— \* \* \* \* And whereas the Rulers or Administrators of the \* \* States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction, or all the jurisdiction they had, or the jurisdiction necessary for the administration of railways and of Civil and Criminal justice in connection therewith, within the lands which lie within their respective territories, or which lie within the parts of their respective territories mentioned or referred to in the third column of the said schedule, and are occupied, or may be hereafter occupied, by the Railways mentioned opposite their names, respectively, in the first column of the said schedule (including the lands occupied by stations and out-buildings and for other purposes connected with the Railway); and whereas the Governor General in Council now has jurisdiction within those lands:

In exercise of the jurisdiction referred to, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders:—

- I.—The provisions, so far as they may be suitable, and as amended for the time being and from time to time by subsequent enactments, of the Indian Railways Act, 1890 (IX of 1890), shall apply to all the aforesaid lands.
- II.—In exercise of the power conferred by section 16, read with section 148, sub-section (I) of the said Act so applied, the Governor General in Council is pleased to sanction the use of locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby, on all railways occupying any of the aforesaid lands.
- III.—The general rules for working open lines of railway administered by the Government which were published under the Notification of the Government of India in the Public Works Department, No. 118, dated the 21st March, 1895, in the *Gazette of India*, for 1895, Part I, page 173, shall, as modified for the time being and from time to time for British India, apply to all lines of railway administered by the Government occupying any of the aforesaid lands, and for the time being used for the public carriage of passengers, animals or goods.
- IV.—The general rules published under the Notification of the Government of India in the Public Works Department, No. 118, dated the 21st March, 1895, shall apply also to—
  - (a) lines of railway not administered by the Government, occupying any of the aforesaid lands and for the time being used for the public carriage of passengers, animals or goods, from such dates and with such modifications as may from time to time be prescribed in respect of their application to the portions of such lines respectively which lie in British

<sup>1</sup> Owing to the great length of the Notification only those portions which relate to Railways in Native States under the Central Provinces and in the Central India Agency are reproduced.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd*British-Central India Railway Enactments—1.—(a) Notifications applying Acts—*contd.*

The Railways Act, 1890 (IX of 1890) and orders thereunder and in connection therewith—*contd.*

India, or to the respective railway systems in British India which administer such lines ;

\* \* \* \* \*

V.—The general rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which were published under the Notification of the Government of India in the Public Works Department, No. 480½, dated the 30th October, 1890, in the *Gazette of India*, for 1890, Part I, page 795, shall apply to such portions of the railways occupying any of the aforesaid lands as may for the time being be under construction or sanctioned for construction.

VI.—Subject to the modification prescribed in the Circular of the Government of India in the Public Works Department, No. 18, Railway, dated the 2nd November, 1895, published in the *Gazette of India*, 1895, Part I, page 948, and any further modifications from time to time prescribed for British India, the rules framed under sections 84 and 85 of the said Indian Railways Act, 1890, which are appended to the Circular of the Government of India in the Public Works Department, No. 7, Railway, dated the 19th April, 1895, published in the *Gazette of India*, 1895, Part I, pages 336 to 338, and the directions contained in paragraphs 2 and 3 of the Resolution embodied in that Circular, shall apply to the railways occupying the aforesaid lands.

VII.—In exercise of the authority given by section 135 of the said Indian Railways Act, 1890, applied as aforesaid, the Governor General in Council is pleased to declare that the provisions of the Notifications of the Government of India in the Public Works Department, No. 270, dated the 12th June, 1890, published in the *Gazette of India*, for 1890, Part I, page 438, and No. 136, dated the 5th April, 1893, published in the *Gazette of India*, for 1893, Part I, page 190, declaring railway administrations in British India to be liable to pay certain taxes in aid of the funds of local authorities, shall apply, and shall be deemed to have applied (save as regards any tax actually paid or accrued due before the date of this Notification), with effect from the dates which they bear, respectively, to the administrations of the railways occupying the aforesaid lands.

VIII.—In exercise of the power conferred by section 144 of the said Indian Railways Act, 1890, applied as aforesaid, the Governor General in Council is pleased to delegate to Local Governments, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act so applied, the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor General in Council may from time to time think fit :

- (1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions shall not entail any expenditure

## CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*

### British-Central India Railway Enactments—1.—(a) Notifications applying Acts—*contd.*

The Railways Act, 1890 (IX of 1890), and orders thereunder and in connection therewith—*contd.*

in excess of the general powers of sanction of the Local Government concerned.

- (2) *Section 48.*—All the powers and functions of the Governor General in Council, but only in cases where the railways concerned are under the control of one and the same Local Government.
- (3) *Section 51, clauses (a), (b), (c), (d), and (e), and Section 55.*—All the powers and functions of the Governor General in Council.
- (4) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.
- (5) *Section 83.*—The power of notifying the Magistrates and Police officers to whom notices of railway accidents are to be given.

IX.—The Governments and authorities mentioned in the fourth column of the schedule hereto annexed shall be deemed, for the purposes of the said Indian Railways Act, 1890, applied as aforesaid, and of clause VIII of this Notification, to be the Local Governments in respect to such parts of the railways mentioned opposite their names, respectively, in the first column of the said schedule, as are situate within the territories of the States mentioned opposite their names, respectively, in the second column of the said schedule.

X.—The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

- No. 2328-I., dated the 23rd March, 1891.
- „ 3149-I., dated the 29th July, 1891.
- „ 3191-I., dated the 31st July, 1891.
- „ 285-I., dated the 21st January, 1892.
- „ 504-I., dated the 9th February, 1893.
- „ 507-I., dated the 9th February, 1893.
- „ 766-I., dated the 2nd March, 1893.
- „ 2111-I., dated the 15th June, 1893.
- „ 2431-I., dated the 13th July, 1893.
- „ 3464-I., dated the 5th October, 1893.
- „ 3651-I., dated the 19th October, 1893.
- „ 105-I., dated the 11th January, 1894.
- „ 3355-I., dated the 20th September, 1894.
- „ 1579-I., dated the 17th May, 1895.
- „ 1582-I., dated the 17th May, 1895.
- „ 139-I., dated the 9th January, 1896.
- „ 228-I., dated the 16th January, 1896.
- „ 419-I., dated the 30th January, 1896.
- „ 509-I., dated the 6th February, 1896.
- „ 821-I., dated the 3rd March, 1896.
- „ 1129-I., dated the 2nd April, 1896.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*British-Central India Railway Enactments—1.—(a) Notifications applying Acts—*contd.*

The Railways Act, 1890 (IX of 1890), and orders thereunder and in connection therewith—*contd.*

SCHEDULE.<sup>1</sup>

## RAILWAY LANDS ON WHICH THE GOVERNMENT OF INDIA EXERCISE JURISDICTION.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Bengal-Nagpur Railway.	Bamra . . .	.....	The Chief Commissioner of the Central Provinces.
Ditto .	Khairagarh . . .	.....	Ditto
Ditto .	Nandgaon . . .	.....	Ditto
Ditto .	Raigarh . . .	.....	Ditto
Ditto .	Rewah . . .	.....	Ditto
Ditto .	Sakti . . .	.....	Ditto
Ditto .	Gangpur . . .	The part of this State comprised in the Hingir Taluk.	Ditto
Ditto .	ditto . . .	The western parts of the State between the Sambalpur Road and Govindpur Railway Stations.	Ditto
Rhopal-Ujjain Railway.	Gwalior . . .	.....	The Agent to the Governor-General in Central India.
Ditto .	Indore . . .	.....	Ditto
Ditto .	Bhopal . . .	.....	Ditto
Ditto .	Dewas (Senior Branch) . . .	.....	Ditto
Ditto .	Dewas (Junior Branch) . . .	.....	Ditto
Bina-Guna Railway .	Gwalior . . .	.....	Ditto
Godhra-Rutlam Nagda Railway.	<sup>2</sup> Gwalior . . .	.....	Ditto.
Ditto .	Indore . . .	.....	Ditto.
Ditto .	Jhabua . . .	.....	Ditto.
Ditto .	Rutlam . . .	.....	Ditto.
Ditto .	Sailana . . .	.....	Ditto.

<sup>1</sup> Owing to the great length of the Schedule, only those portions which have to deal with the Central Provinces and the Central India Agency have been here set out.

<sup>2</sup> Added by Notification No. 3203-I.B., dated the 26th November, 1898, see *Gazette of India*, 1898, Pt. I, p. 1148.



CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*British-Central India Railway Enactments—1.—(a) Notifications applying Acts—*contd.*

The Railway Act, 1890 (IX of 1890), and orders thereunder and in connection therewith—*contd.*

SCHEDULE—*contd.*RAILWAY LANDS ON WHICH THE GOVERNMENT OF INDIA EXERCISE JURISDICTION—*contd.*

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Indian Midland Railway—			
(1) Jhansi-Agra Section.	Datia . . .	.....	The Agent to the Governor General in Central India.
Ditto. .	Gwalior . . .	.....	Ditto.
(2) Jhansi-Bhopal-Itarsi Section.	Bhopal . . .	.....	Ditto.
Ditto . .	Gwalior . . .	.....	Ditto.
Ditto . .	Khanadghana . .	.....	Ditto.
Ditto . .	Kurwai . . .	.....	Ditto.
Ditto . .	Orchha . . .	.....	Ditto.
(3) Jhansi-Cawnpore Section.	Samthar . . .	.....	Ditto.
(4) Jhansi-Manikpur Section.	Alipura . . .	.....	Ditto.
Ditto . .	Garrauli . . .	.....	Ditto.
Ditto . .	Orchha . . .	.....	Ditto.
Ditto . .	Pahra . . .	.....	Ditto.
Ditto . .	Taraon . . .	.....	Ditto.
(5) Saugor-Katni Section.	Panna . . .	.....	The Chief Commissioner of the Central Provinces.
Nagda-Ujjain Railway.	Gwalior . . .	.....	The Agent to the Governor General in Central India.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*concl'd.***British-Central India Railway Enactments—1.-(a) Notifications applying Acts—*concl'd.***

The Railways Act, 1890 (IX of 1890), and orders thereunder and in connection therewith—*concl'd.*

SCHEDULE—*concl'd.*RAILWAY LANDS ON WHICH THE GOVERNMENT OF INDIA EXERCISE JURISDICTION—*concl'd.*

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Rajputana-Malwa Railway—			
* *	* *	* *	* *
(2) Holkar State Railway.	Indore . . .	The land to the south of the River Nerbudda.	The Chief Commissioner of the Central Provinces.
Ditto .	Ditto . . .	The land to the north of the River Nerbudda.	The Agent to the Governor General in Central India.
* *	* *	* *	* *
(6) Sindhia-Neemuch State Railway.	Dhar . . .	.....	The Agent of the Governor General in Central India.
Ditto .	Gwalior . . .	.....	Ditto.
Ditto .	Indore . . .	.....	Ditto.
Ditto .	Jaora . . .	.....	Ditto.
Ditto .	Rutlam . . .	.....	Ditto.
Ditto .	Sailana . . .	.....	Ditto.

[See *Gazette of India*, 1897, Pt. I, p. 722.]

The Epidemic Diseases Act, 1897 (III of 1897).

No. 443-I.A., dated the 4th February, 1897.—printed, *infra*, p. 349.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*BRITISH-CENTRAL INDIA RAILWAY  
ENACTMENTS.

## 1.-(b) Special Local Laws.

Recovery of Revenue Arrears accruing in British India.

*No. 1415-I., dated the 30th April, 1890,—printed, infra, p. 347.*

Printing and publication of newspapers and other printed works.

*No. 2651-I., dated the 25th June, 1891.—printed, infra, p. 348.*

Execution of warrants of Capital Sentences of British Courts beyond British India.

*No. 1431-I.A., dated the 27th April, 1893.—printed, infra, p. 345.*

The Arms Rules,<sup>1</sup> 1895.

*No. 3573-I., dated the 29th October, 1895.*—Whereas the Rulers or Administrators of the States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction within the lands which lie within their respective territories, and are occupied, or may be hereafter occupied, by the railways mentioned opposite their names, respectively, in the first column of the said schedule (including the lands occupied by stations and out-buildings and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the following rules shall be in force on the said lands:

I.—“In these rules “arms,” “ammunition,” and “military stores” have respectively the meanings assigned to them in the Indian Arms Act, 1878 (XI of 1878), except that

the expression “military stores” includes sulphur when in quantities exceeding ten seers in weight, and leaden bird-shot and bullets when possessed in quantities exceeding one hundredweight at any one time.

“Export” means transmission by rail from any station in any of the said lands to any station beyond the said lands.

“Import” means transmission by rail from any station beyond the said lands to any station within the said lands.

“Transport” means transmission by rail from one station in the said lands to another station in the said lands.

*Explanation.*—Arms, ammunition, and military stores taken from one station to another in the said lands across intervening territory which is not within the said lands are transported within the meaning of these rules.

II.—(a) The export, without the special permission of the Political Agent, of arms, ammunition, or military stores, is forbidden.

(b) Station Masters to whom arms, ammunition, or military stores, unaccompanied by evidence of such special permission, are tendered for despatch, shall detain them and report the matter through the Superintendent of Railway Police for the orders of the Political Agent.

<sup>1</sup> These rules are not in force in the Rewah Section of the Bengal-Nagpur Railway, the Sangor-Zatni Section of the Indian Midland Railway nor in the Indore Section of the Rajputana-Malwa Railway south of the Nerbudda.

<sup>2</sup> This definition was substituted for the original definition by Notification No. 2142-I.B., dated the 5th August 1898, see *Gazette of India*, 1898, Part I, p. 879.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*British-Central India Railway Enactments—1.—(b) Special Local Laws—*contd.*The Arms Rules, 1895—*contd.*

III.—When any arms, ammunition, or military stores are imported they shall  
 Import. not be delivered to any importer or consignee, unless—

- (a) the importer or consignee produces the original license issued by the Secretary to the Government of India, Foreign Department, or other competent authority, authorising the export of such arms, ammunition, or military stores from British India and their import to some station within the lands above referred to, and
- (b) the senior police-officer at the station at which the arms, ammunition, or military stores have been received has compared the consignment with the license and authorised the Station Master to make delivery.

For the purpose of making the comparison required by clause (b) the police-officer shall have power to open any package which he thinks suspicious.

IV.—Every Station Master shall give information to the officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition, or military stores.

V.—A Station Master at whose station a consignment of imported arms, ammunition, or military stores is received may, after obtaining the sanction of the Superintendent of Railway Police, but not otherwise, forward the consignment, should the owner or consignee desire him to do so, to any other station within or beyond the lands above referred to.

VI.—No license shall be necessary in respect of arms or ammunition, but when  
 Transport. any arms, ammunition, or military stores are transported, immediate information regarding such transport shall be given to the senior police-officer at the stations of despatch and receipt by the Station Masters concerned.

VII.—Arms shall not in ordinary cases be taken from passengers; but if a  
 Carrying of arms by passengers. Station Master has reasonable ground for apprehending a disturbance from the possession of arms by a passenger, he may at any time before such passenger has taken his place in the train, but not afterwards, refuse to carry him unless he delivers up his arms. If the passenger gives up his arms, they shall be labelled with the name and description of the owner, entered in the roadway bill, and delivered free of charge to the owner at his journey's end:

Provided that no person who has been duly exempted from the operation of sections 13—16 of the Indian Arms Act (XI of 1878), or has a license to carry arms granted by competent authority, shall, except in the case of evident and undoubted necessity, be asked to give up his personal arms under this rule.

VIII.—Every person employed upon the railway shall, in the absence of  
 Obligation to give information. reasonable excuse, the burden of proving which shall be upon him, be bound to give information to the nearest police-officer regarding any box, packet, or bale in transit which he may have reason to suspect contains arms, ammunition, or military stores in respect of which an offence against these rules has been, or is being, committed.

Penalties. IX.—(i) Whoever commits any of the following offences (namely):

- (a) exports any arms, ammunition, or military stores without obtaining the special permission of the Political Agent as required by Rule II,

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.***British-Central India Railway Enactments—1.-(b) Special Local Laws—*contd.*****The Arms Rules, 1895—*contd.***

(b) imports any arms, ammunition, or military stores without a license of the nature referred to in Rule III,  
shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

(ii) Whoever commits any of the following offences (namely):

(a) imports any arms, ammunition, or military stores in excess of the quantities entered in the license referred to in Rule III,

(b) imports after the expiration of the period for which such license has been granted,

(c) omits to give information as required by Rule VIII,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

X.—When any person is convicted of an offence under the last preceding rule it shall be in the discretion of the convicting

Confiscation of arms, etc.

Magistrate further to direct that the whole or any portion of the arms, ammunition, or military stores in respect of which the conviction is obtained, and any box, package, or bale in which the same may have been concealed, together with the other contents of such box, package, or bale shall be confiscated.

XI.—(1) Whenever any Magistrate has reason to believe that arms, ammunition and military stores have been imported contrary to these rules, such Magistrate, having first recorded the grounds of his belief, may seize and detain the same in safe custody for such time as he may think necessary.

(2) In such cases notice calling upon the importer or consignee to appear and to produce the license referred to in Rule III shall be published for three months at the railway station at which the arms, ammunition, or military stores have been seized, and at such other places as the Magistrate may think necessary.

(3) If the importer or consignee does not appear and produce such license within three years from the date of such notice, such arms, ammunition, or military stores shall be confiscated.

XII.—The orders of the Political Agent shall be taken regarding the disposal of articles confiscated under these rules, and such orders shall be final.

XIII.—(1) A Magistrate may award up to one-half the amount of any fine

Rewards.

inflicted under these rules, and up to one-half the sale price of any confiscated articles sold in pursuance of orders issued under these rules, to any person, whether in the employ of of a Railway Company or not, who has given information leading to a conviction.

(2) Cases in which no fine is inflicted, or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Political Agent.

XIV.—Nothing in the foregoing rules shall apply to the import of any arms, ammunition, or military stores when the same are covered by a certificate granted by the officer in charge of an arsenal in British India stating that they are consigned to the Ruler of a State mentioned in the second column of the schedule hereto annexed.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*British Central India Railway Enactments—1.-(b) Special Local Laws—*concl'd.*The Arms Rules, 1895—*concl'd.*

## THE SCHEDULE.

Railway.	State.
1	2
Bhopal-Ujjain Railway . . . . .	Indore. Gwalior. Bhopal. Dewas (Senior Branch). Dewas (Junior Branch).
Godhra-Rutlam Railway . . . . .	Indore. Jhabua. Rutlam. Sailana. Gwalior.
Guna-Bina Railway . . . . .	
Indian Midland Railway—	
(1) Jhansi-Agra Section . . . . .	Dholpur. <sup>3</sup> Datia. Gwalior.
(2) Jhansi-Bhopal-Itarsi Section . . . . .	Bhopal. Gwalior. Khaniadhana. Kurwai. Orehha.
(3) Jhansi-Cawnpore Section . . . . .	Samthar.
(4) Jhansi-Manikpur Section . . . . .	Alipura. Garrauli. Orehha. Pahra. Taraon.
(5) Palanpur-Deesa Railway . . . . .	Palanpur. <sup>3</sup>
Rajputana-Malwa Railway—	
(1) Cawnpore-Achnera State Railway . . . . .	Bharipur. <sup>3</sup>
(2) Holkar State Railway (north of Nerbudda) . . . . .	Indore.
(3) Neemuch-Nusseerabad State Railway . . . . .	Gwalior. Meywar. <sup>2</sup> Tonk. <sup>3</sup>
(4) Raiputana State Railway . . . . .	Bharipur. <sup>3</sup> Jeyapore. <sup>3</sup> Kishengarh. <sup>3</sup> Ulwar. <sup>3</sup>
(5) Sindhia-Neemuch State Railway . . . . .	Dhar. Gwalior. Indore. Jaora. Rutlam. Sailana.
(6) Western Rajputana State Railway . . . . .	Baroda. <sup>4</sup> Jodhpore. <sup>3</sup> Palanpur. <sup>4</sup> Sirohi. <sup>3</sup>
(7) Rutlam-Ujjain Railway . . . . .	Gwalior. Sailana. Rutlam.

[See *Gazette of India*, 1895, Pt. I, p. 881.]

<sup>1</sup> These Railways are now known respectively as the Godhra-Rutlam-Nagda Railway and Nagda-Ujjain Railway. Cf. Notification No. 3206-I.B., dated the 25th November, 1898, *Gazette of India*, 1898, Pt. I, p. 1148.

<sup>2</sup> Inserted by Notification No. 3289-I.B., dated the 28th August, 1897. See *Gazette of India*, 1897, Pt. I, p. 775. As to this Railway see the Western India Volume.

<sup>3</sup> As to these Railways and States see the Rajputana Volume.

<sup>4</sup> As to these States see the Western India Volume.

<sup>5</sup> As amended by Notification No. 1505-I, dated the 8th May, 1896, see *Gazette of India*, 1896, Pt. I, p. 24.

CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*contd.*BRITISH-CENTRAL INDIA RAILWAY  
ENACTMENTS.**2.-Local Rules and Orders under Acts of the Governor General in Council locally applied.**

[*For Rules and Orders under the Railways Act (IX of 1890), see No. 3063-I., dated the 13th August, 1897, page 278, supra.*]

**Rules and Orders under the Epidemic Diseases Act, 1897.**

*Order delegating to the Local Government powers under section 2 (2) (b). No. 444-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

**Regulations under the Dangerous Epidemic Diseases Act.**

*Dated the 16th February, 1897.*—In exercise of the powers conferred on him by Foreign Department Notifications Nos. 443-I.A. and 444-I.A., dated the 4th February, 1897, the Agent to the Governor General in Central India prescribes the following regulations for the inspection of persons travelling by railway in and through Central India, and the segregation in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with the plague or bubonic fever:—

1. Any medical officer or qualified medical practitioner may, at any railway station in the Central India Agency, compel any person or all the persons in any train stopping at such station to alight from that train and undergo such inspection of body or property as the said medical officer or the said qualified medical practitioner may consider necessary for determining whether the said person or persons travelling by train is or are suffering from or is or are likely to be infected with bubonic fever or plague.

2. If any such traveller is found to be so suffering, or if the aforesaid inspection shows that he is likely to be infected with bubonic fever, it shall be competent for the person making the inspection to direct the removal segregation in hospital, temporary accommodation or otherwise, of any person so suffering or likely to be infected.

3. It shall be competent for the person making the said inspection or for the person in medical charge of the place to which any such traveller is removed or in which he is segregated, to order the destruction by fire or otherwise of any of that traveller's property which he considers likely to spread infection of bubonic fever.

4. It is obligatory on every traveller referred to in any of the foregoing sections to answer all questions put to him by the person making such inspection or in medical charge of the traveller, and such traveller is bound to answer any such question fully and truthfully to the best of his information, knowledge and belief.

5. Any person taking action under any of the foregoing sections without authority from his official superior or from some officer of Government shall not be entitled to protection under section 4 of Act III of 1897, but such authority may be given by the Local Government indicated in Foreign Department Notification No. 443-I.A., dated 4th February, 1897, subsequently to such action being taken.

6. Any action such as is contemplated in the first three sections of these Regulations which may have been taken before these Regulations come into force shall be held to have been taken under these Regulations.

7. These Regulations shall have effect from the time and date of their receipt in any place by any person authorised to act under them.

[ See *Gazette of India*, 1897, Pt. II, p. 220. ]

**CHAPTER V.—I.—CENTRAL INDIA RAILWAYS GENERALLY—*concl'd.***

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**SUPPLEMENTARY NOTE.**

**Railway Material.**—Railway material imported for the use of a railway constructed in a Native State under the suzerainty of Her Majesty has been exempted from the duty leviable under Article 93 of schedule IV of the Indian Tariff Act, 1894 (VIII of 1894), as amended by Act XVI of 1894, as if such railway were a railway as defined in that Act, *see* Notification No. 4198-S.R., dated the 30th August, 1895, *see Gazette of India*, 1895, Pt. I, p. 732.





## CHAPTER V.—II (1).—BENGAL-NAGPUR RAILWAY.

## CHAPTER V.

RAILWAYS UNDER BRITISH JURISDICTION—*contd.*

## II.—INDIVIDUAL RAILWAYS OR RAILWAY SYSTEMS IN CENTRAL INDIA.

## (1).—BENGAL-NAGPUR RAILWAY.

## (Rewah Section.)

The British Enactments in force locally in this section of the Bengal-Nagpur Railway treated separately consist of—

*A.—British Indian Enactment, namely,—*

Local Order under an Act in force generally in all Native States.

*B.—British Bengal-Nagpur Railway (Rewah State) Enactments, namely,—*

## 1.—Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied ;
- (b) A Special Local Law.

## 2.—Local Order—

under an Act of the Governor General in Council locally applied.

## CHAPTER V.—II (1).—BENGAL-NAGPUR RAILWAY.

*A.—British-Indian Enactment.*

LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 and 24 (2)	Appointing a Registrar of Births and Deaths with reference to section 11 (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-I., dated the 30th September, 1891. (Printed, <i>supra</i> , p. 60.)

CHAPTER V.—II (1).—BENGAL-NAGPUR RAILWAY—*contd.*

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*B.—British-Bengal-Nagpur Railway (Rewah State) Enactments.*

## 1.-(a) ACTS OF THE GOVERNOR IN COUNCIL LOCALLY APPLIED.

[See *supra*, pages 277 to 283 as to Railways generally.]

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By Notification No. 1237-I.,<sup>1</sup> dated the 13th April, 1893, all laws in force in the Jubbulpur District of the Central Provinces are declared to be in force in the lands occupied by the Bengal-Nagpur Railway in the Rewah State. For such Laws as are Acts of the Governor General in Council, *see* the Central Provinces Code and Volumes I to VI of the General Acts of the Governor General in Council, Ed. 1898.

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<sup>1</sup> Printed at page 35, *supra*.

CHAPTER V.—II (1).—BENGAL-NAGPUR RAILWAY—*contd.**B.—British-Bengal-Nagpur Railway (Rewah State) Enactments.*1.-(b) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject of Notification.	Notification.	Reference.
1891	Declaring in force all laws in force in the Jubbulpore District of the Central Provinces and providing for Executive, Judicial and Police administration.	No. 1237-I, dated the 13th April, 1893.	Printed, <i>supra</i> , p. 85.

<sup>1</sup> See also *supra*, pp. 284 to 287, as to Railways generally.

CHAPTER V.—II (1)—BENGAL-NAGPUR RAILWAY—*concl'd.**B.—British-Bengal-Nagpur Railway (Rewah State) Enactments.***2.—LOCAL RULES UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>**

Act.	Section.	Subject of Notification.	Notification.
Police Act, 1888 (III of 1888).	2 (1) and (2)	Forming the lands occupied by the Railway into a general Police District, directing the enrolment of a police force therein, and appointing the Chief Commissioner of the Central Provinces to be Local Government for police purposes.	<i>No. 99, dated the 18th February, 1898.</i> [Printed, <i>supra</i> , p. 37.]

<sup>1</sup> See also *supra*, p. 288, as to Railways generally.



## CHAPTER V—II (2).—INDIAN MIDLAND RAILWAY.

## CHAPTER V.

RAILWAYS UNDER BRITISH JURISDICTION—*contd.*II.—INDIVIDUAL RAILWAYS OR RAILWAY SYSTEMS IN CENTRAL INDIA—*contd.*

## (2).—INDIAN MIDLAND RAILWAY.

(i) The Bhopal-Ujjain Railway . . . . .	{ Bhopal. Dewas, Senior Branch. Dewas, Junior Branch. Gwalior. Indore.
(ii) The Bina-Guna Railway . . . . .	Gwalior.
(iii) The Jhansi-Agra Section . . . . .	{ Datia. Dholpur. Gwalior.
(iv) The Jhansi-Bhopal-Itarsi Section . . . . .	{ Bhopal. Gwalior. Khaniadhana. Kurwai. Orchha.
(v) The Jhansi-Cawnpore Section . . . . .	Samthar.
(vi) The Jhansi-Manikpur Section . . . . .	{ Alipura. Garrauli. Orchha. Pahra. Taraon.
(vii) The Saugor-Katni Section . . . . .	Panna.

The British Enactments in force locally in these sections of this Railway treated separately consist of—

**A.—British-Indian Enactment, namely,—**

Local Order under an Act in force generally in all Native States.

**B.—British-Indian Midland Railway (Central India States) Enactments, namely,—****1.—Local Laws made by the Governor General in Council—**

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

**2.—Local Rules and Orders—**

under Acts of the Governor General in Council locally applied.



## CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY.

*A.—British-Indian Enactment.*

## LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 and 24 (2)	Appointment of Registrars of Births and Deaths with reference to section 11 (1), clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-I, dated the 30th September, 1891. [Printed, <i>supra</i> , p. 60.]

CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY—*contd.**B.—British-Indian Midland Railway (Central India States) Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Extent of application.	Notification.
Indian Penal Code, 1860 (Act XLV of 1860).	The whole Act, so far it may be suitable and as amended by subsequent enactments.	No. 1829 I.B., dated the 5th June, 1896. <sup>2</sup> [Printed, <i>infra</i> , p. 303.]
Police Act, 1861 (V of 1861).	Ditto.	Ditto.
Whipping Act, 1864 (VI of 1864).	Ditto.	Ditto.
Indian Succession Act, 1865 (X of 1865).	Ditto.	No. 1830-I. B., dated the 5th June, 1896. <sup>2</sup> [Printed, <i>infra</i> , p. 306.]
Court-fees Act, 1870 (VII of 1870).	Ditto.	Ditto.
Cattle Trespass Act, 1871 (I of 1871).	Ditto.	No. 1829-I.B., dated the 5th June, 1896. [Printed, <i>infra</i> , p. 303.]
Indian Evidence Act, 1872 (I of 1872).	Ditto.	No. 1830-I.B., dated the 5th June, 1896. [Printed, <i>infra</i> , p. 306.]
Contract Act, 1872 (IX of 1872).	Ditto.	Ditto.
Indian Registration Act, 1877 (III of 1877).	Ditto.	Ditto.
Indian Limitation Act, 1877 (XV of 1877).	Ditto.	Ditto.
Indian Stamp Act, 1879 (I of 1879).	Ditto.	Ditto.
Probate and Administration Act, 1881 (V of 1881).	Ditto.	Ditto.
Code of Civil Procedure (Act XIV of 1882).	Ditto.	Ditto.
Indian Telegraphs Act, 1885 (XIII of 1885).	Ditto.	Ditto.
Provincial Small Cause Courts Act, 1887 (IX of 1887).	Ditto.	Ditto.
Police Act, 1888 (III of 1888).	The whole Act . . . .	No. 1829-I. B., dated the 5th June, 1896. [Printed, <i>infra</i> , p. 303.]

<sup>1</sup> See also *supra*, pp. 277 to 283, as to Railways generally.<sup>2</sup> These Notifications do not apply to the Saugor-Katal Section of this Railway.<sup>3</sup> Repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY—*contd.**B.—British-Indian Midland Railway (Central India States) Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED<sup>1</sup>—*contd.*

Act.	Extent of application.	Notification.
Succession Certificates Act, 1889 (VII of 1889).	The whole Act, so far as it may be suitable and as amended by subsequent enactments.	<sup>2</sup> No. 1830-I.B., dated the 5th June, 1896. [Printed, <i>infra</i> , p. 306.]
Code of Criminal Procedure, 1898 (Act V of 1898).	The whole Act, and <i>see</i> the Notification.	<sup>2</sup> No. 2402-I.B., dated the 2nd September, 1898. [Printed, <i>infra</i> , p. 308.]
Indian Post Office Act, 1898 (VI of 1898).	Ditto.	Ditto.

<sup>1</sup> *See* also pp. 277 to 283 as to Railways generally.<sup>2</sup> These Notifications do not apply to the Saugor-Katni Section of this Railway.

CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY—*contd.**B.—British-Indian Midland Railway (Central India States) Enactments.*1.-(b) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject of Notification.	Notification.	Reference.
1889	Notifying the District and Small Cause Courts of this Railway within the Central India Agency, among others, as having been established or continued by the Governor General in Council.	No. 1361-I., dated the 29th March, 1891.	Printed, <i>infra</i> , p. 336.
1889 & 1890	Providing for— (1) execution of decrees— (a) of British Indian Courts by the District and Small Cause Courts of this Railway within the States of the Central India Agency; (b) of the District and Small Cause Courts of this Railway within the Central India Agency by certain Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States by the District and Small Cause Courts of this Railway within the States in the Central India Agency. (2) service of summons— (a) of British Indian Civil and Revenue Courts by the District and Small Cause Courts of this Railway within the States in the Central India Agency; (b) of the District and Small Cause Courts of this Railway within the Central India Agency by certain Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Hyderabad, Central India and in Bombay Native States by the District and Small Cause Courts of this Railway within the States in the Central India Agency.	Nos. 1362-I. to 1364-I., dated the 29th March, 1889, and No. 2183-I., dated the 2nd July, 1890.  Nos. 1366-I. to 1368-I., dated the 29th March, 1891, and No. 2182-I., dated the 2nd July, 1890.	Printed, <i>infra</i> , pp. 338 to 340.  Printed, <i>infra</i> , pp. 342 & 343.
1896	Providing for the administration of Criminal Justice and the Police.	No. 1829-I.B., dated the 5th June, 1896.	Printed, <i>infra</i> , p. 303.
„	Providing for the administration of Civil Justice.	No. 1830-I.B., dated the 5th June, 1896.	Printed, <i>infra</i> , p. 306.
1899	Prescribing rules for the payment of the expenses of complainants and witnesses attending Criminal Courts.	No. 1626-I.B., dated the 16th June 1899	Printed, <i>supra</i> , p. 49.
„	Declaring laws in force in the Saugor-Katni Section of this Railway, and providing for the administration of justice and the police.	No. 2191-I.B., dated the 4th August 1899.	Printed, <i>infra</i> , p. 309.

<sup>1</sup> See also *supra*, pp. 264 to 287, as to Railways generally. The special local laws in this list do not apply to the Saugor-Katni Section except the last one.

CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY—*contd.**B.—British-Indian Midland Railway (Central India States) Enactments.***2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL  
LOCALLY APPLIED.<sup>1</sup>**

Act.	Section.	Subject of Notification.	Notification.
Police Act, 1888 (III of 1888).	2 (1) and (2)	Forming the lands occupied by this Railway into a general Police District, directing the enrolment of a police force for service and appointing the Lieutenant-Governor, North-Western Provinces, to discharge the functions of a Local Government for police purposes therein.	No. 43, dated the 24th January, 1896, as amended by No. 274, dated the 5th June, 1896. [Printed, <i>infra</i> , p. 310].
Indian Railways Act, 1890 (IX of 1890).	83	Notice of accidents to be given to certain officers.	No. 3121, dated the 29th March, 1897. [Printed, <i>infra</i> , p. 311].

<sup>1</sup> See also *supra*, pp. 284 to 287, as to Railways generally. The Notifications in this list do not apply to the Saugor-Katni Section of this Railway.

CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY—*contd.*

## A.—BRITISH-INDIAN ENACTMENT.

## Local Order under an Act in force generally in all Native States.

Appointment of a Registrar of Births and Deaths and a Registrar General.

*No. 3998-I., dated the 30th September, 1891.*—printed, *supra*, p. 53.

B.—BRITISH-INDIAN MIDLAND RAILWAY  
(CENTRAL INDIA STATES) ENACTMENTS.

## 1.-(a) Notifications applying Acts of the Governor General in Council.

The Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by subsequent enactments.

*No. 3474-I., dated the 21st October, 1895, and No. 1181-I., dated the 9th April, 1896.*—printed, *supra*, p. 277.

Acts relating to criminal jurisdiction and arrangements for the exercise of that jurisdiction.

*No. 1829-I.B., dated the 5th June, 1896.*<sup>1</sup>—Whereas the Rulers of the States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction within the lands which lie within their respective States and are occupied, or may hereafter be occupied, by the sections of the Indian Midland Railway system specified opposite their names respectively in the first column of the said schedule (including the lands occupied by stations, by out-buildings, and for other railway purposes) : In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :—

## PART I.

The provisions, so far as they may be suitable, and as amended by subsequent enactments, of the Acts mentioned below are hereby applied to the aforesaid lands, namely :—

No. and year.	Subject.
Act XLV of 1860	Penal Code.
" V of 1861	Police.
" VI of 1864	Whipping.
" I of 1871	Cattle-trespass.
" * III of 1888	Police.

Provided that, for the purpose of facilitating the application of the provisions of the enactments hereby applied any Court within the aforesaid lands may construe them

<sup>1</sup> This Notification does not apply to the Saugor-Katni Section of this Railway, as to which *see* page 309 *infra*.

<sup>2</sup> The entry relating to Act X of 1882 has been omitted, as that Act was repealed by Act V of 1898, which was applied by Notification No. 2402-I.B., dated the 2nd September, 1898, *infra*, p. 308.

**CHAPTER V.—II (2).—INDIAN MIDLAND RAILWAY—*contd.***

**B.—British-Indian Midland Railway (Central India States) Enactments—  
1.-(a) Notifications applying Acts—*contd.***

**Acts relating to criminal jurisdiction and arrangements for the exercise of that jurisdiction—*contd.***

with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court : Provided, further, that the Code of Criminal Procedure, 1882,<sup>1</sup> shall be subject to the following modifications, namely :—

- (a) that trials before the Court of Session may, in the discretion of the Judge, be without jury or aid of assessors ; and
- (b) that, notwithstanding anything in the Police Act (V of 1861) or in any other enactment for the time being in force, the Governor General in Council may confer on any police-officer all or any of the powers conferred or conferable by or under the Code on any Magistrate, in regard to particular cases or to a particular class or particular classes of cases or to cases generally.

**PART II.**

For the purposes of the exercise of criminal jurisdiction within the aforesaid lands, the following arrangements shall be made :—

(1) There shall be a Railway Magistrate, who shall be the Superintendent, Government Railway Police, Southern Section, Jhansi.

(2) Every officer mentioned in the third, fourth or fifth column of the schedule hereto annexed shall exercise, within such sections of the Indian Midland Railway system mentioned opposite his name in the first column of that schedule as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers described in section 30 of the Code of Criminal Procedure,<sup>1</sup> the powers of a Magistrate of the first class, and the powers of a District Magistrate respectively as described in that Code respectively ; provided that, in any case in which the complainant (if any) and all the accused persons are not British subjects, it shall be in the discretion of the said officers, respectively, to decline to exercise the powers hereby conferred upon them.

(3) Every officer mentioned in the sixth or seventh column of the schedule hereto annexed shall exercise, within such sections of the Indian Midland Railway system mentioned opposite his name in the first column of that schedule as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers of a Court of Session or a High Court, as the case may be, in respect of all offences over which jurisdiction is exercised by any officer mentioned opposite his name in the third, fourth or fifth column of that schedule.

(4) In the exercise of the jurisdiction of a Court of Session conferred upon the Resident at Gwalior, the Political Agent, Eastern Rajputana States, and the Political Agent, Bhopal, in the sixth column of the schedule hereto annexed, any of the said officers may take cognizance of an offence, as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of an offence, follow the procedure laid down by the Code of Criminal Procedure, 1882,<sup>1</sup> for the trial of warrant cases by Magistrates.

(5) This part of this Notification applies to all proceedings, except—

- (a) proceedings against European British subjects or persons jointly charged with European British subjects ; and
- (b) proceedings pending at the date of this Notification, which should be carried on as if this Notification had not issued.

(6) The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

Notification No. 4077-I., dated the 3rd December 1890.

" " 4079-., " " " " "

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), referred to in the second foot-note on the preceding page.

CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*contd.***B.—British-Indian Midland Railway (Central India States) Enactments—****1.—(a) Notifications applying Acts—*contd.***

Acts relating to criminal jurisdiction and arrangements for the exercise of that jurisdiction  
—*contd.*

## SCHEDULE.

Sections of the Indian Midland Railway system.	State.	Officer invested with powers described in section 30 of Act X of 1882. <sup>1</sup>	Magistrate of the 1st class.	District Magistrate.	Court of Session.	High Court.	
1	2	3	4	5	6	7	
Jhansi-Agra . . .	Datia . . .	Resident at Gwalior	Railway Magistrate.	Resident at Gwalior.	Resident at Gwalior.	The Agent to the Governor General in Central India.	
	Gwalior . . .						
Jhansi-Agra . . .	Dholpur . . .	Political Agent, Eastern Rajputana States.	Ditto .	Political Agent, Eastern Rajputana States.	Political Agent, Eastern Rajputana States.	The Agent to the Governor General in Rajputana.	
Jhansi-Cawnpore . . .	Samthar . . .	Resident at Gwalior	Ditto .	Resident at Gwalior.	Resident at Gwalior.	The Agent to the Governor General in Central India.	
Jhansi-Mauikpur . . .	Orchha . . .	Cantonment Magistrate, Nowgong.	Ditto .	Cantonment Magistrate, Nowgong.	Political Agent in Bundelkhand		
	Alipura . . .						
	Garrault . . .						
	Pahra . . .						
Jhansi-Bhopal-Itarsi . . .	Taraon . . .	Political Agent, Bhopal.	Ditto .	Political Agent, Bhopal.	Political Agent, Bhopal.		
	Bhopal . . .						
	Kurwai . . .						
	Gwalior . . .	Resident at Gwalior.	Ditto .	Resident at Gwalior.	Resident at Gwalior		
Jhansi-Bhopal-Itarsi . . .	Khanladhans . . .	Cantonment Magistrate, Nowgong.	Ditto .	Cantonment Magistrate, Nowgong.	Political Agent in Bundelkhand.		
	Orchha . . .						
	Gwalior . . .						
	Indore . . .						
Bhopal-Ujjain-Railway . . .	Bhopal . . .	Political Agent, Bhopal.	Ditto .	Political Agent, Bhopal.	Political Agent, Bhopal.		
	Dewas, Senior Branch.						
	Dewas, Junior Branch.						
Guna-Bina Railway . . .	Gwalior . . .	Resident at Gwalior	Ditto .	Resident at Gwalior.	Resident at Gwalior.		

[ See Gazette of India, 1896, Pt. I, p. 427.]

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied to this Railway System by Notification No. 2402-I, D. dated the 2nd September, 1898, printed, *infra*, p. 308.



CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*contd.***B.—British-Indian Midland Railway (Central India States) Enactments—****1.—(a) Notifications applying Acts—*contd.***

**Acts affecting civil jurisdiction and arrangements for the exercise of that jurisdiction.**

*No. 1830-I.B., dated the 5th June, 1896.*<sup>1</sup>—Whereas the rules of the States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction within the lands which lie within their respective States and are occupied, or may hereafter be occupied, by the sections of the Indian Midland Railway system specified opposite their names respectively in the first column of the said schedule (including the lands occupied by stations, by out-buildings, and for other railway purposes) : In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :—

**PART I.**

The provisions, so far as they may be suitable, and as amended by subsequent enactments, of the Acts mentioned below are hereby declared to apply to the aforesaid lands, namely :—

No. and year.				Subject.			
Act	X	of 1865		Succession.			
*	*	*	*	*	*	*	*
"	VII	of 1870	.	Court-fees.			
"	I	of 1872	.	Evidence.			
"	IX	of 1872	.	Contract.			
"	III	of 1877	.	Registration.			
"	XV	of 1877	.	Limitation.			
"	I	of 1879	.	Stamps. <sup>3</sup>			
"	V	of 1881	.	Probate and Administration.			
"	XIV	of 1882	.	Civil Procedure.			
"	XIII	of 1886	.	Telegraph.			
"	IX	of 1887	.	Provincial Small Cause Courts.			
"	VII	of 1889	.	Succession Certificates.			

Provided that, for the purpose of facilitating the application of the provisions of the enactments hereby applied, any Court within the aforesaid lands may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

**PART II.**

For the purposes of the exercise of civil jurisdiction within the aforesaid lands the following arrangements shall be made :—

(1) The officer mentioned in the third column of the schedule hereto annexed shall exercise, within the aforesaid lands, the powers of a Court of Small Causes, with jurisdiction in all suits cognizable under Act IX of 1887 when the amount or value of the subject-matter does not exceed one thousand rupees.

(2) Every officer mentioned in the fourth column of the schedule hereto annexed shall exercise, within such sections of the Indian Midland Railway system mentioned opposite his name in the first column of that schedule as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers of a District Court as defined in the Code of Civil Procedure (Act XIV of 1882) with jurisdiction in all original suits, whatever be the amount

<sup>1</sup> This Notification does not apply to the Saugor-Katni Section of this Railway, as to which see p. 309, *infra*.

<sup>2</sup> The entry relating to Act XIV of 1866 is omitted, as that Act was repealed by Act VI of 1898, which was applied by Notification No. 2101-I.B., dated the 2nd September 1898, *infra*, p. 308.

<sup>3</sup> Repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

CHAPTER V.—11 (2)—INDIAN MIDLAND RAILWAY—*contd.***B.—British-Indian Midland Railway (Central India States) Enactments—****1.-(a) Notifications applying Acts—*contd.***

**Acts affecting civil jurisdiction and arrangements for the exercise of that jurisdiction—*contd.***

or value of the subject-matter, and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force within the said sections of the Indian Midland Railway system.

(3) The officers mentioned in the fifth column of the schedule hereto annexed shall exercise, within such sections of the Indian Midland Railway system mentioned opposite their names respectively in the first column of that schedule as are situate within the territories of the States mentioned opposite their names in the second column of that schedule, the powers of a High Court for the purposes of hearing appeals from the decisions and orders of the said District Courts, and of disposing of references from the said Court of Small Causes, and for all other purposes whatever connected with the administration of civil justice within the said sections of the Indian Midland Railway system.

(4) The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

(a) Notification No. 4078-I., dated the 3rd December, 1890.

(b) " " 1856 " " 23rd March, 1891. So much as relates to the Indian Midland Railway.

## SCHEDULE.

Sections of the Indian Midland Railway system.	State.	Court of Small Causes.	District Court.	High Court.
1	2	3	4	5
Jhansi-Agra	<div> <div> Datta Gwalior </div> <div> Dholpur </div> </div>	<div> Railway Magistrate </div> <div> Ditto </div>	<div> Resident at Gwalior </div> <div> Political Agent, Eastern Rajputana States. </div> <div> Resident at Gwalior </div>	<div> The Agent to the Governor General in Central India. </div> <div> The Agent to the Governor General in Rajputana. </div>
Jhansi-Cawnpore	Samthar	Ditto	Resident at Gwalior	
Jhansi-Manikpur.	<div> Orchha Alipura Garrauli Pahra Taraon </div>	<div> Ditto </div> <div> Ditto </div>	<div> Political Agent, Bundelkhand. </div>	
Jhansi-Bhopal-Itarsi	<div> Bhopal Kurwai Gwalior Khaniadhaba Orchha Gwalior Indore Bhopal </div>	<div> Ditto </div> <div> Ditto </div> <div> Ditto </div>	<div> Political Agent, Bhopal. </div> <div> Resident at Gwalior </div> <div> Political Agent, bundelkhand. </div>	<div> The Agent to the Governor General in Central India. </div>
Bhopal-Ujjain Railway.	Dewas, Senior Branch.	Ditto	Political Agent, Bhopal.	
Guna-Bina Railway	<div> Dewas, Junior Branch. Gwalior </div>	<div> Ditto </div> <div> Ditto </div>	<div> Resident at Gwalior </div>	

CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*contd.*

**B.—British-Indian Midland Railway (Central India States) Enactments—  
1.-(a) Notifications applying Acts—*concl'd.***

The Revenue Recovery Act, 1890 (I of 1890).

*No. 1415-I., dated the 30th April, 1889,—printed, infra, p. 347.*

The Indian Railways Act, 1890 (IX of 1890).

*No. 3063-I.B., dated the 13th August, 1897.—printed, supra, p. 278.*

The Epidemic Diseases Act, 1897 (III of 1897).

*No. 443-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

The Code of Criminal Procedure, 1898 (Act V of 1898), and the Indian Post Office Act, 1898 (VI of 1898).

*No. 2402-I.B., dated the 2nd September, 1898.*<sup>1</sup>—Whereas the Rulers of the States mentioned in the second columns of the schedules annexed to the Notifications of the Government of India in the Foreign Department, <sup>2</sup>No. 326-I., dated the 24th January, 1896 (as amended by Notification<sup>3</sup> No. 122-I.B., dated the 13th January, 1898), and <sup>4</sup>No. 1829-I.B., dated the 5th June, 1896, have ceded to the British Government full jurisdiction within the lands which lie within their respective States and are occupied, or may hereafter be occupied, by the sections of the Rajputana-Malwa and Indian Midland Railway systems specified opposite their names, respectively, in the first columns of the said schedules (including the lands occupied by stations, by out-buildings and for other railway purposes).

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the aforesaid lands the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898),<sup>5</sup> and of the Indian Post Office Act, 1898 (VI of 1898) :

Provided that all references in the aforesaid Notifications and in the Notifications of the Government of India in the Foreign Department, <sup>6</sup>No. 332-I., dated the 24th March, 1896, <sup>7</sup>No. 1830-I.B., dated the 5th June, 1896, to the Code of Criminal Procedure, of 1882, and to the Indian Post Office Act, 1866, shall be read as referring, respectively, to the Code of Criminal Procedure, 1898 (Act V of 1898), and to the Indian Post Office Act, 1898 (VI of 1898), as now applied, and that the said enactments as now applied shall be subject to the provisions of the said Notifications so construed.

[See *Gazette of India*, 1898, Pt. I, p. 947.]

<sup>1</sup> This Notification does not apply to the Saugor-Katui Section of this Railway, as to which see p. 300, *infra*.

<sup>2</sup> Printed, *infra*, p. 320.

<sup>3</sup> See now Notification No. 3206-I.B., dated the 25th November 1898, *Gazette of India*, 1898, Pt. I, p. 1148.

<sup>4</sup> Printed, *supra*, p. 303.

<sup>5</sup> Printed, General Acts, Vol. VI, Ed. 1898, p. 380.

<sup>6</sup> Printed, *infra*, p. 324.

<sup>7</sup> Printed, *supra*, p. 306.

CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*contd.***B.—BRITISH-INDIAN MIDLAND RAILWAY  
(CENTRAL INDIA STATES) ENACTMENTS.****1.-(b) Special Local Laws.**

*For Notification providing for the administration of Criminal Justice on the Indian Midland Railway, see Part II of Notification No. 1829-I.B., dated the 5th June, 1896, printed at page 303, supra, and No. 1626-I.B., dated the 16th June 1899, printed supra, p. 49.*

*For Notification providing for the Administration of Civil Justice, see Part II of Notification No. 1830-I.B., dated the 5th June, 1896, printed at page 306, supra.*

Orders as to Courts established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summons between such Courts, and British Indian Courts and certain Courts in Native States.

*Nos. 1361-I. to 1364-I., dated the 9th March 1889, and Nos. 1366-I. to 1368-I., dated idem, and Nos. 2182-I. and 2183-I., dated the 2nd July 1890.—printed, infra, pp. 336 to 343.*

Recovery of Revenue Arrears accruing in British India.

*No. 1415-I., dated the 50th April, 1890.—printed, infra, p. 347.*

Printing and publication of newspapers and other printed works.

*No. 2651-I., dated 25th June, 1891.—printed, infra, p. 348.*

Execution of Warrants of Capital sentences of British Courts beyond British India.

*No. 1431-I., dated 27th April, 1893.—printed, infra, p. 345.*

The Arms Rules, 1895.

*No. 3573-I., dated the 29th October, 1895.—printed, supra, p. 284.*

Notification declaring Laws in force and providing for the Administration of Justice and the Police on the Saugor-Katni Section.

*No 2191-I.B., dated the 4th August, 1899.*—Whereas His Highness the Maharaja of Panna has ceded to the British Government full and exclusive power and jurisdiction of every kind over the lands lying within his State which are, or may hereafter be, occupied by the Saugor-Katni Railway (including the lands occupied by stations, by out-buildings and for other railway purposes), and over all persons and things whatsoever within the said lands :

In exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of justice within the said lands :

1. All laws for the time being in force in the Damoh District of the Central Provinces shall be in force in the said lands.

2. The Chief Commissioner of the Central Provinces and all officers subordinate to him for the time being exercising executive authority (other than in connection with the administration of the Police) within the Damoh District, shall exercise the like authority within the said lands,

3. All Courts having for the time being jurisdiction within the Damoh District shall have the like jurisdiction within the said lands.

4. The administration of the Police within the said lands shall be vested in the Superintendent of Government Railway Police, Indian Midland Railway, Southern Section, Jhansi, who, shall exercise within the said lands the same police powers as he may, for the time being exercise on the portion of the Saugor-Katni Railway which lies within the Damoh District, in subordination to the authorities to whom he may be, for the time being, subordinate when exercising those powers on that portion of that railway.

[See *Gazette of India*, 1899, Pt. I, p. 720.]

CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*con'd.***B.—BRITISH INDIAN MIDLAND RAILWAY  
(CENTRAL INDIA STATES) ENACTMENTS.****2.-Local Rules and Orders under Acts of the Governor General  
in Council locally applied.****Formation of a General Police District, etc.**

*No. 43, dated the 24th January, 1896.*<sup>1</sup>—In exercise of the powers conferred by section 2, sub-sections (1) and (2), of the Police Act (III of 1888), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of the Notifications of the Government of India in the Home Department, No. 894, dated the 10th December, 1890, and No. 428, dated the 18th July, 1891, as amended by the Notification No. 28, dated the 13th January, 1894, to create a general police district embracing all the lands situate within the North-Western Provinces and Oudh, the Punjab, the Central Provinces and the Native States referred to in the list appended hereto, which are, or may hereafter be occupied by the railways enumerated in that list, inclusive of all lands occupied by stations, by out-buildings and for other railway purposes, and to direct the enrolment under Act V of 1861, of a police force for service therein.

2. The Governor General in Council is also pleased to appoint the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh to discharge, within the general police district hereby created, the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, 1882,<sup>2</sup> and any other enactment relating to police for the time being in force in the lands abovementioned or in any part thereof.

**LIST OF RAILWAYS.**

1. *The Bengal and North-Western Railway.*
2. *The Oudh and Rohilkhand Railway.*
3. *The Bareilly-Rampur-Moradabad Railway, including the lands lying within the Rampur State.*
4. *The Rohilkhand-Kumaon Railway.*
5. *The East Indian Railway.*
6. *The Indian Midland Railway, including the lands lying within the Native States in the Central India Agency and in the Dholpur State in Rajputana.*
- 6a.<sup>3</sup> *The Bhopal-Ujjain and Guna-Bina Railways, including the lands lying within the Native States of Gwalior, Indore, Bhopal, Dewas, Senior Branch, and Dewas, Junior Branch.*
7. *The Cawnpore-Achnera Railway, including the lands lying within the Bharatpur State in Rajputana.*
8. *The Delhi-Umballa-Kalka Railway, including the lands lying within the Native States of Kalsi and Patiala.*

[See *Gazette of India*, 1896, Pt. I, p. 44.]

<sup>1</sup> This Notification does not apply to the Saugor-Katui Section of this Railway, as to which see page 809, *supra*.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which repealed Act X of 1882. Act V of 1898 was applied to the lands occupied by the Indian Midland Railway and the Rajputana-Malwa Railway (of which the Cawnpore-Achnera Railway is part) in the Native States abovementioned by Notification No. 2402-I-B., dated the 2nd September, 1898, printed, *supra*, p. 308.

<sup>3</sup> Entry 6a was added by Notification No. 294, dated the 5th June, 1898, see *Gazette of India*, 1898, Pt. I, p. 425.

CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*contd.***B.—British-Indian Midland Railway (Central India States) Enactments—  
2.—Local Rules and Orders under Acts—*contd.***

Notice of accidents on the Guna-Bina and Bhopal-Ujjain Sections of this system.

*No. 3121, dated the 29th March, 1897.*—In exercise of the powers conferred on him by the Government of India in the Foreign Department, in Notification<sup>1</sup> No. 1328-I., dated the 23rd March, 1891, and subsequent amending Notifications, the Agent to the Governor General in Central India hereby directs, under the provisions of section 83 of the Railway Act (IX of 1890), that notice of accidents occurring at or nearest to the stations of the Guna-Bina and Ujjain-Bhopal Railways mentioned in the third column of the schedule hereto annexed, shall be given to the police-officers mentioned in the fourth column of the schedule, and to the District Magistrates mentioned in Government of India, Foreign Department, Notification<sup>2</sup> No. 1829-I.B., dated the 5th June, 1896.

<sup>1</sup> Now superseded by Notification No. 3063-I.B., dated the 13th August, 1897, which confers the same powers, *see supra*, p. 278.

<sup>2</sup> Printed, *supra*, p. 303.

CHAPTER V.—II (2)—INDIAN MIDLAND RAILWAY—*concl'd.***B.—British-Indian Midland Railway (Central India States) Enactments—  
2.—Local Rules and Orders under Acts—*concl'd.*****Notice of accidents on the Guna-Bina and Bhopal-Ujjain sections of this system—  
*cont'd.***

## SCHEDULE.

Section of the Indian Midland Railway.	Name of Native State.	Stations.	Government Railway Police Stations at which reports of accidents should be made.
1	2	3	4
Guna-Bina Section.	Gwalior State.	Bina . . . . .	Bina Government Railway Police Station.
		Mungavali . . . . .	
		Pipraigaon . . . . .	
		Pachar . . . . .	
		Shadaragaon . . . . .	Guna Government Railway Police Station.
		Pagara . . . . .	
		Guna . . . . .	
Bhopal-Ujjain Section.	Bhopal State.	Bhopal . . . . .	Bhopal Government Railway Police Station.
		Beragarh . . . . .	
		Phanda . . . . .	
		Sehore Cantonment . . . . .	
		Parbati . . . . .	
	Gwalior State.	Kali Pipal . . . . .	Shujaulpur Government Railway Police Station.
		Shujaulpur . . . . .	
		Akodia . . . . .	
		Kali Sindh . . . . .	
		Bercha . . . . .	
		Maksi . . . . .	
		Purana road . . . . .	
		Rajpur . . . . .	
		Ujjain . . . . .	

[See Gazette of India, 1897, Pt. II, p. 345.]

*For other orders under the Railways Act, 1890 (IX of 1890), see supra, p. 278.*

Order delegating powers under the Epidemic Diseases Act, 1897 (III of 1897).

*No. 444-I.A., dated the 4th February, 1897.—printed, infra, p. 349.*

Regulations for the Inspection of persons travelling by Railway.

*Dated the 18th February, 1897.—printed, supra, p. 288.*

## CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY.

## CHAPTER V.

## RAILWAYS UNDER BRITISH JURISDICTION.

## II.—INDIVIDUAL RAILWAYS OR RAILWAY SYSTEMS IN CENTRAL INDIA.

## (3)—THE RAJPUTANA-MALWA RAILWAY.

Comprising—

Railways.	States.
(i) <i>The Cawnpore-Achnera State Railway</i> <sup>1</sup> . . .	<i>Bhartpur</i> . <sup>1</sup>
(ii) <i>The Godhra-Rutlam-Nagda Railway</i> . . .	<i>Gwalior</i> . <i>Indore</i> . <i>Jhabua</i> . <i>Rutlam</i> . <i>Sailana</i> .
(iii) <i>The Holkar State Railway</i> . . .	<i>Indore</i> .
(iv) <i>The Nagda-Ujjain Railway</i> . . .	<i>Gwalior</i> .
(v) <i>The Neemuch-Nasirabad Railway</i> . . .	<i>Gwalior</i> . <i>Meywar</i> . <sup>1</sup> <i>Tonk</i> . <sup>1</sup> <i>Alwar</i> . <sup>1</sup> <i>Bhartpur</i> . <sup>1</sup> <i>Jaipur</i> . <sup>1</sup>
(vi) <i>The Rajputana State Railway</i> . . .	<i>Kishangarh</i> . <sup>1</sup> <i>Nabha</i> . <sup>2</sup> <i>Pataudi</i> . <sup>2</sup> <i>Dujana</i> . <sup>2</sup> <i>Faridkot</i> . <sup>2</sup>
(vii) <i>The Rewari-Ferozepur Railway</i> . . .	<i>Jhind</i> . <sup>2</sup> <i>Nabha</i> . <sup>2</sup> <i>Patiala</i> . <sup>2</sup> <i>Dhar</i> . <i>Gwalior</i> . <i>Indore</i> .
(viii) <i>The Sindia-Neemuch State Railway</i> . . .	<i>Jaora</i> . <i>Rutlam</i> . <i>Sailana</i> .
(ix) <i>The Western Rajputana State Railway</i> . . .	<i>Baroda</i> . <sup>2</sup> <i>Jodhpur</i> . <sup>1</sup> <i>Palanpur</i> . <sup>3</sup> <i>Sirohi</i> . <sup>1</sup>

The British Enactments in force locally in the Central India sections of the Rajputana-Malwa Railway System, consist of—

A.—*British-Indian Enactment, namely,—*

Local Order under an Act in force generally in all Native States.

B.—*British-Rajputana-Malwa Railway (Central India States) Enactments, namely,—*

## 1.—Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

## 2.—Local Rules and Orders—

under Acts of the Governor General in Council locally applied ;

<sup>1</sup> These States are under the Rajputana Agency, *see* the Rajputana Volume.

<sup>2</sup> These States are under the Government of the Punjab, *see* the Northern India Volume.

<sup>3</sup> As to these two States, *see* the Western India Volume.



## CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY.

*A.—British-Indian Enactment.*

LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Notification.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 and 24 (2).	Appointment of Registrars of Births and Deaths with reference to section 11 (1.) clause (b), and a Registrar General of Births, Deaths and Marriages.	No. 3998-I, dated the 30th September, 1891. [Printed, <i>supra</i> , p. 60.]

CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY—*contd.**B—British-Rajputana-Malwa Railway (Central India States) Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED,<sup>1</sup>

Act.	Extent of application.	Notification.
Indian Penal Code, 1860 (Act XLV of 1860).	The whole Act, so far as it may be suitable, and as amended by subsequent enactments.	No. 326-I., <sup>2</sup> dated the 24th January, 1896, as amended by No. 3206-I.B., dated the 25th November 1898. [Printed, <i>infra</i> , p. 320.]
Police Act, 1861 (V of 1861).	Ditto.	Ditto.
Whipping Act, 1864 (VI of 1864).	Ditto.	Ditto.
Indian Succession Act, 1865 (X of 1865).	Ditto.	No. 332-I., <sup>2</sup> dated the 24th January, 1896. [Printed, <i>infra</i> , p. 324.]
Court-fees Act, 1870 (VII of 1870).	Ditto.	Ditto.
Indian Evidence Act, 1872 (I of 1872).	Ditto.	Ditto.
Indian Contract Act, 1872 (IX of 1872).	Ditto.	Ditto.
Indian Registration Act, 1877 (III of 1877).	Ditto.	Ditto.
Indian Limitation Act, 1877 (XV of 1877).	Ditto.	Ditto.
<sup>3</sup> Indian Stamp Act, 1879 (I of 1879).	Ditto.	Ditto.
Probate and Administration Act, 1881 (V of 1881).	Ditto.	Ditto.
Code of Civil Procedure (Act XIV of 1882).	Ditto.	Ditto.
Indian Telegraph Act, 1885 (XIII of 1885).	Ditto.	Ditto.
Provincial Small Cause Court Act, 1887 (IX of 1887).	Ditto.	Ditto.
Police Act, 1888 (III of 1888).	Ditto.	No. 326-I., <sup>2</sup> dated the 24th January, 1896, as amended by No. 3206-I.B., dated the 25th November, 1898. [Printed, <i>infra</i> , p. 320.]
Debtors Act, 1888 (VI of 1888).	Ditto.	No. 332-I., <sup>2</sup> dated the 24th January, 1896. [Printed, <i>infra</i> , p. 324.]
Succession Certificates Act, 1889 (VII of 1889).	Ditto.	Ditto.
Code of Criminal Procedure, 1898 (Act V of 1898).	The whole Act and see the Notification.	No. 2402-I-B., <sup>2</sup> dated the 2nd September 1898. [Printed, <i>supra</i> , p. 308.]
Indian Post-Office Act, 1898 (VI of 1898).	Ditto.	Ditto.

<sup>1</sup> See also *supra*, pp. 277 to 283 as to Railways generally.<sup>2</sup> These Notifications do not apply to the Indore Section of this Railway to the south of the Nerbudda, as to which see Notification No. 1007-I., dated the 21st March, 1884, printed, *infra*, p. 314.

Repealed in British India by the Indian Stamp Act, 1899 (II of 1899).

CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY—*contd.**B.—British-Rajputana-Malwa Railway (Central India States) Enactments.*1.-(b) SPECIAL LOCAL LAWS.<sup>1</sup>

When made.	Subject of Notification.	Notification.	Reference.
1884	Declaring the laws in force in the Indore section of this Railway to the south of the Nerbudda, and providing for the Executive, Judicial and Police administration thereof.	No. 1007-I., dated the 21st March, 1884.	Printed, <i>infra</i> , p. 318.
1889	Notifying the District and Small Cause Courts of this Railway in Central India, among others, as having been established or continued by the Governor General in Council.	No. 1361-I., <sup>2</sup> dated the 29th March, 1889.	Printed, <i>infra</i> , p. 336.
1889 & 1890	Providing for— (1) execution of decrees— (a) of British Indian Courts by the District and Small Cause Courts of this Railway in Central India; (b) of the said District and Small Cause Courts by certain Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States by the said District and Small Cause Courts; (2) service of summons— (a) of British Indian Civil and Revenue Courts by the District and Small Cause Courts of this Railway in Central India; (b) of the said District and Small Cause Courts by certain Courts established or continued by the Governor General in Council in Native States, and <i>vice versa</i> ; (c) of certain Courts in Hyderabad, Central India, Mysore and in Bombay Native States by the said District and Small Cause Courts.	Nos. <sup>2</sup> 1362-I. to 1364-I., dated the 29th March, 1889, and No. 2183-I., dated the 2nd July, 1890.	Printed, <i>infra</i> , p. 338 to 340.
1896	Providing for the administration of Criminal justice and the Police within these sections of this Railway, excluding the Indore Section.	Nos. <sup>2</sup> 1366-I. to 1368-I., dated the 29th March, 1889, and No. 2182-I., <sup>2</sup> dated the 2nd July, 1890.	Printed, <i>infra</i> , pp. 342 and 343.
	Providing for the administration of Civil justice within these sections of this Railway excluding the Indore Section.	No. 326-I., <sup>2</sup> dated the 24th January, 1896, as amended by No. 3206-I.B., dated the 25th November 1898.	Printed, <i>infra</i> , p. 320.
		No. 333-I., <sup>2</sup> dated, the 24th January, 1896, as amended by No. 2782-I.B., dated the 22nd July, 1897, and No. 3206-I.B., dated the 25th November, 1898.	Printed, <i>infra</i> , p. 326.
1899	Prescribing rules for the payment of the expenses of complainants and witnesses attending Criminal Courts in the Central India Agency.	No. 1626-I.B., <sup>2</sup> dated the 16th June 1899.	Printed, <i>supra</i> , p. 49.

<sup>1</sup> See also *supra*, pp. 284 to 287, as to Railways generally.<sup>2</sup> These Notifications do not apply to the Indore Section of this Railway to the south of the Nerbudda.

CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY—*concl'd.**B.—British-Rajputana-Malwa Railway (Central India States) Enactments.*2.—LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.<sup>1</sup>

Act.	Section.	Subject of Notification.	Notification.
Police Act, 1861 (V of 1861).	4	See the second entry against Act III of 1888, <i>infra</i> .	See the second entry against Act III of 1888, <i>infra</i> .
Police Act, 1888 (III of 1888).	2 (1) & (2)	Forming the lands occupied by the Rajputana-Malwa System, except the Cawnpore-Achnera Section, into a general police district, directing the enrolment of a special police force therefor, and appointing the Governor of Bombay to discharge the functions of the Local Government for police purposes therein.	No. 83, dated the 11th February, 1898. [Printed, <i>infra</i> , p. 329.]
Ditto	2 (2)	Appointing the Inspector-General of Police, Bombay, to be Inspector-General, and appointing certain police-officers for the general police district.	No. 3839, dated the 3rd June, 1898. [Printed, <i>infra</i> , p. 330.]
Railways Act, 1890 (IX of 1890).	83	Appointment of official to take action in regard to accidents occurring within a certain area.	No. 6113, dated the 12th August, 1895. [Printed, <i>infra</i> , p. 334.]
Code of Criminal Procedure, 1898 (Act V of 1898). <sup>1</sup>	320 (k)	Exemption of certain Railway officials from service as jurors or assessors.	No. 339-I, <sup>2</sup> dated the 24th January, 1896. [Printed, <i>infra</i> , p. 329.]
Ditto. <sup>2</sup>	495	Rank below which Magistrates may not permit Railway police-officers to conduct prosecutions, and police-officers who may conduct prosecutions without the permission of the Magistrate.	No. 338-I, <sup>3</sup> dated the 24th January, 1896. [Printed, <i>infra</i> , p. 329.]

<sup>1</sup> See also p. 284, *supra*, as to Railways generally.<sup>2</sup> These Notifications issued under Act X of 1882, and are kept in force by section 2 of Act V of 1898, which was applied by Notification No. 2402-I.B., dated the 2nd September, 1898, printed, *supra*, p. 308.<sup>3</sup> These Notifications do not apply to the Indore Sections of this Railway to the south of the Nerbudda.

CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY—INDORE  
SECTION SOUTH OF THE NERBUDDA.

B.—BRITISH-RAJPUTANA-MALWA RAILWAY  
(CENTRAL INDIA STATES) ENACTMENTS.

<sup>1</sup>Notification declaring laws in force and providing for the  
Executive, Judicial and Police administration.

*No. 1007-I., dated the 21st March, 1881.*—Whereas His Highness the Maharaja Holkar, *His Highness the Raja of Nabha and the Nawab of Pataudi* <sup>2</sup> have ceded to the British Government full jurisdiction within those portions of land which lie within their respective States, and are occupied, or may be hereafter occupied by the Railways comprised in the Rajputana Malwa Railway System, including the lands occupied as stations, out-buildings, and for other Railway purposes:

In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of justice within the aforesaid portion of land:—

- <sup>3</sup> 4. (1) All laws for the time being in force in the Nimar District of the Central Provinces are hereby extended to the portion of the aforesaid lands which lies in the State of Indore, and is situated to the south of the river Nerbudda.
- (2) The Deputy Commissioner of the Nimar District, the Commissioner of the Nerbudda Division, and the Chief Commissioner of the Central Provinces, for the time being, shall respectively exercise, within this portion of the aforesaid lands, the same executive powers as they may respectively exercise within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Nimar District shall exercise the same jurisdiction within this portion of the aforesaid lands.
- (4) Within this portion of the aforesaid lands the administration of the Police shall be vested in the Superintendent and Assistant Superintendent of the Police of the Rajputana-Malwa Railway System. These officers shall respectively exercise the same police powers as may be exercised by District Superintendents and Assistant District Superintendents of Police under any law for the time being in force in the Nimar District, in subordination to the Deputy Commissioner of the Nimar District and the Inspector-General of Police in the Central Provinces. <sup>4</sup>

<sup>1</sup> Only so much of this Notification has been printed as applies to States in the Central India Agency.

<sup>2</sup> For the sections of this Railway in the States of Nabha and Pataudi, and the part of this Notification relating thereto, see the Northern India Volume.

<sup>3</sup> This must be read, in the case of the Lunatics Act (XXXVI of 1858), as subject to the modifications with which that Act was applied to the Railway lands in the Central India Agency, as to which see Notification No. 3474-I., dated the 21st October, 1895, printed, *supra*, p. 277, and see also *supra*, pp. 277 to 283, as to Railways generally.

<sup>4</sup> Cf. now Notifications Nos. 88-P., dated the 11th February, 1893, and 3839, dated the 3d June, 1898, printed *infra*, pp. 329 and 330 respectively.

CHAPTER V.—II (3)—RAJPUTANA-MALWA RAILWAY—INDORE  
SECTION SOUTH OF THE NERBUDDA—*contd.*

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**B.—British-Rajputana Malwa Railway (Central India States) Enactments—  
Notification declaring laws in force—*contd.***

2. \* \* \* \* \*

3. This Notification supersedes the undermentioned Notifications of the Government of India in the Foreign Department:—

(a) Notification No. 2134-C., dated the 15th October, 1875 (Part I only relating to Indore territory south of Nerbudda).

(b) Notification No. 234-A.I.J., dated 28th November, 1881.

[ See *Gazette of India*, 1884, Pt. I, p. 124. ]

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<sup>1</sup> Only so much of this Notification has been printed as applies to States in the Central India Agency.

## CHAPTER V.—II (3) —THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA.

### A—BRITISH-INDIAN ENACTMENTS.

#### Local Order under an Act in force generally in all Native States.

Appointment of Registrars of Births and Deaths and a Registrar General.

No. 3998-I., dated the 30th September, 1891.—printed, *supra*, p. 60.

### B.—BRITISH-RAJPUTANA-MALWA RAILWAY (CENTRAL INDIA STATES) ENACTMENTS.

#### 1.-(a) Notifications applying Acts of Governor General in Council.

The Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by subsequent enactments.

No. 3474-I., dated the 21st October, 1895, and No. 1181-I., dated the 9th April, 1896.<sup>1</sup>—printed, *supra*, p. 277.

Acts relating to criminal jurisdiction and arrangements for the exercise of that jurisdiction.

No. 326-I., dated the 24th January, 1896.—Whereas the Rulers of the States mentioned in the second column of the schedule hereto annexed, have ceded to the British Government full jurisdiction within those portions of land which lie within their respective States, and are occupied, or may hereafter be occupied, by the sections of the Rajputana-Malwa Railway System mentioned opposite their names respectively in the first column of the schedule (including the lands occupied as stations, out-buildings, and for other railway purposes): In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of criminal justice within the aforesaid portions of land:—

(1) The provisions, so far as they may be suitable, and as amended by subsequent enactments, of the Acts mentioned below are hereby applied to the aforesaid lands, namely:—

Number and year.	Subject.
Act XLV of 1860 . . . . .	Penal Code.
„ V of 1861 . . . . .	Police.
„ VI of 1864 . . . . .	Whipping.
* . . . . *	* *
„ III of 1888 . . . . .	Police.

Provided that for the purpose of facilitating the application of the provisions of the enactments hereby applied, any Court within the aforesaid lands may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court: Provided, also, that the Code of Criminal Procedure, 1882,<sup>2</sup> shall be subject to the following modifications, namely:—

- (a) that trials before the Court of Sessions may, in the discretion of the Judge, be conducted without the aid of jury or assessors;

<sup>1</sup> This Notification also applies to the Indore Section, south of the Nerbudda.

<sup>2</sup> The entry relating to the Code of Criminal Procedure, 1882 (Act X of 1882) has been omitted, as that Act was repealed by Act V of 1898, which was applied by Notification No. 2402-I.B., dated the 2nd September, 1898, printed, *supra*, p. 308.

CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT  
THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

B.—British-Rajputana-Malwa Railway (Central India States) Enactments—  
1.-(a) Notifications applying Acts—*contd.*

Acts relating to criminal jurisdiction and arrangements for the exercise of that jurisdiction—*contd.*

- (b) that notwithstanding anything in the Code of Criminal Procedure, 1882,<sup>1</sup> or the Police Act (V of 1861), or in any other enactment for the time being in force, the Governor General in Council may confer on any police-officer all or any of the powers conferred or conferable by or under the Code on any Magistrate in regard to particular cases, or to a particular class and to particular classes of cases or to cases generally.

(2) Every officer mentioned in the third, fourth, fifth, or sixth column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of the schedule as are situate within the territories of the State or States mentioned opposite his name in the second column of the schedule, the powers described in section 30 of the Code of Criminal Procedure,<sup>2</sup> the powers of a District Magistrate, the powers of a Magistrate of the first class, and the powers of a Magistrate of the second class, as described in that Code, respectively; *provided that*, in any case in which the complainant (if any) and all the accused persons are not British subjects, it shall be in the discretion of the said officers, respectively, to decline to exercise the powers hereby conferred upon them.

(3) Every officer mentioned in the seventh or eighth column of the schedule hereto annexed shall exercise within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of the schedule, as are situate within the territories of the State mentioned opposite his name in the second column of the schedule, the powers of a Court of Session or a High Court, as the case may be, in respect of all offences over which jurisdiction is exercised by any officer mentioned opposite his name in the third, fourth, fifth, or sixth column of the schedule.

(4) The provisions of the last three foregoing clauses of this Notification apply to all proceedings except—

- (a) proceedings against European British subjects, or persons jointly charged with European British subjects; and  
(b) proceedings pending at the date of this Notification.

All proceedings pending at that date shall be carried on as if the provisions of the last two foregoing clauses of this Notification had not been issued.

(5) This Notification supersedes the undermentioned Notifications by the Government of India in the Foreign Department:—

No. 1003-I., dated the 18th March, 1884.	No. 1022-I., dated the 25th February, 1887.
" 2392-I., " " 25th June, 1884.	" 5012-I., " " 29th November 1887.
" 2395-I., " " 25th June, 1884.	" 4308-I.,* " " 18th December, 1890.
" 3259-I., " " 28th August, 1884.	" 559-I., " " 4th February, 1892.
" 1697-I., " " 26th May, 1885.	" 3757-I., " " 3rd October, 1892.
" 2916-I., " " 28th August, 1885.	" 64-I., " " 5th January, 1893.

\* Only so much as refers to the Holkar State Railway, the Sindia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the<sup>3</sup> Rajputana State Railway and the<sup>3</sup> Western Rajputana State Railway.

[ See *Gazette of India*, 1896, Pt. I, p. 48.]

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2402-I.B., dated the 2nd September 1898, printed, *supra*, p. 318.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (V of 1898), which was applied by the Notification referred to in the preceding note.

<sup>3</sup> For these two Railways see the Rajputana and Northern India Volumes, and the Western India Volume respectively.



## CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY

## B.—British-Rajputana-Malwa Railway (Central India States) Enactments—

Acts relating to criminal jurisdiction and arrangements

SCH

1	2	3	4
Railway.	State.	Officer invested with powers described in section 30 of Act X of 1882. <sup>a</sup>	District Magistrate.
* Holkar State Railway (north of the Nerbudda).	Indore . . .	The Second Assistant to the Agent to the Governor General in Central India from north bank of Nerbudda River to south distant signal, Fatehabad Station. Political Agent in Malwa from south distant signal, Fatehabad Station, to north distant signal, Kesarpura Station.	The Second Assistant to the Agent to the Governor-General in Central India from north bank of Nerbudda River to south distant signal, Fatehabad Station. Political Agent in Malwa from south distant signal, Fatehabad Station, to north distant signal, Kesarpura Station.
Sindia-Neemuch State Railway.	Ditto . . .		
Ditto . . .	Gwalior . . .		
Ditto . . .	Dhar . . .		
Ditto . . .	Rutlam . . .		
Ditto . . .	Sailana . . .		
Ditto . . .	Jaora . . .		
Neemuch-Nasirabad State Railway.	Gwalior . . .	The Cantonment Magistrate of Nasirabad.	The Cantonment Magistrate of Nasirabad.
Ditto . . .	Mewar . . .		
Ditto . . .	Tonk . . .	The Political Agent in Alwar.	The Political Agent in Alwar.
Rajputana State Railway	Alwar . . .		
Ditto . . .	Bhartpur . . .	The Political Agent in the Eastern States of Rajputana.	The Political Agent in the Eastern States of Rajputana.
Ditto . . .	Jaipur . . .		
Ditto . . .	Jodhpur <sup>4</sup> . . .	The Resident in Jaipur .	The Resident in Jaipur.
Ditto . . .	Kishangarh . . .		
Western Rajputana State Railway.	Jodhpur . . .	The Resident in the Western States of Rajputana.	The Resident in the Western States of Rajputana.
Ditto . . .	Sirohi . . .		
Cawnpore-Achnera Railway.	Bhartpur . . .	The Political Agent in Malwa to east bank of Mahi River.	The Political Agent in Malwa to east bank of Mahi River.
Godhra-Rutlam-Nagda <sup>5</sup> Railway.	Indore . . .		
Ditto . . .	Jhabua . . .	The Political Agent in Bhopawar from east bank of Mahi River.	The Political Agent in Bhopawar from east bank of Mahi River.
Ditto . . .	Rutlam . . .		
Ditto . . .	Sailana . . .	The Political Agent in Malwa.	The Political Agent in Malwa.
Ditto . . .	Gwalior . . .		
<sup>5</sup> Nagda-Ujjain Railway.	Gwalior . . .	The Political Agent in Malwa.	The Political Agent in Malwa.
Ditto . . .	Gwalior . . .		

\* Note.—The arrangements made in regard to railway lands in Indore territory lying south of the river Nerbudda, and in the Nakhke the 21st March 1884.

<sup>1</sup> The portions of this schedule printed in italics relate to States under the  
<sup>a</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898) which was applied by Notification No. 2402-I.B., dated the 2nd Sep  
<sup>4</sup> As amended by Notification No. 3206-I.B., dated the 25th November, 1898, see Gazette  
<sup>5</sup> As amended by Notification No. 2782-I.B.

EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*concl.*1. (a) Notifications applying Acts—*concl.*for the exercise of that jurisdiction—*concl.*DULE.<sup>1</sup>

5	6	7	8
Magistrate of the 1st Class.	Magistrate of the 2nd Class.	Court of Session.	High Court.
The Assistant Inspector General, Rajputana-Malwa Railway, Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	The First Assistant to the Agent to the Governor General in Central India from north bank of Nerbudda River to south distant signal, Fatehabad Station. Political Agent in <sup>3</sup> Malwa from south distant signal, Fatehabad Station, to north distant signal, Kesarpura Station.	The Agent to the Governor General in Central India.
The Assistant Inspector General, Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	The Commissioner of Ajmere.	The Agent to the Governor General in Rajputana.
The Assistant Inspector General, Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	The Political Agent in Malwa, <sup>3</sup> to east bank of Mahi River. The Political Agent in Bhopawar from east bank of Mahi River.	The Agent to the Governor General in Central India.
The Assistant Inspector General, Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	Political Agent in <sup>3</sup> Malwa	The Agent to the Governor General in Central India.

<sup>1</sup>and Patandi States are described in the Notification of the Government of India in the Foreign Department, No. 1007-I., dated printed, *supra*, p. 318.

Rajputana Agency.  
 tember 1898, printed *supra*, p. 306.  
 of India, 1898, Pt. I, p. 1148.

dated the 22nd July, 1897, see *Gazette of India*, 1897, Pt. I, p. 663.

CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

**B.—British-Rajputana-Malwa Railway (Central India States) Enactments—**  
1.-(a) Notifications applying Acts—*contd.*

**Several Acts.**

*No. 332-1., dated the 24th January, 1896.*—Whereas the Rulers of the States

Alwar.  
Bhartpur.  
Jaipur.  
Kishangarh.  
Jodhpur.  
Sirohi.  
Meywar.  
Tonk.

Sailana.  
Indore.  
Gwalior.  
Dhar.  
Rutlam.  
Jaora.  
Jhabua.

mentioned in the margin have ceded to the British Government full jurisdiction within those portions of land which lie within their respective territories and are occupied, or may be hereafter occupied, by the Railways comprised in the Rajputana-Malwa Railway System, which shall be deemed for the purposes of this Notification to include the Holkar State Railway (except the lands to the south of

the river Nerbudda), the Sindia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the Rajputana State Railway, the Western Rajputana State Railway, the Cawnpore-Achnera Railway, the Godhra-Rutlam Railway and the Rutlam-Ujjain Railway (including the lands occupied as stations, out-buildings and for all other railway purposes): In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification :—

1. The provisions, so far as they may be suitable, and as amended by subsequent enactments, of the Acts mentioned below are hereby declared to apply to the aforesaid lands, namely:—

Act VII of 1869 (the Succession Certificate Act).

„ X of 1865 (the Indian Succession Act, 1865).

\* \* \* \* \*

„ VII of 1870 (the Court-fees Act).

„ I of 1872 (the Indian Evidence Act, 1872).

„ IX of 1872 (the Indian Contract Act).

„ III of 1877 (the Indian Registration Act, 1877).

„ XV of 1877 (the Indian Limitation Act, 1877).

„ I of 1879 (the Indian Stamp Act, 1879).

„ V of 1881 (the Probate and Administration Act, 1881).

„ XIV of 1882 (the Code of Civil Procedure).

„ XIII of 1885 (the Indian Telegraph Act).

„ IX of 1887 (the Provincial Small Cause Courts Act, 1887).

„ VI of 1888 (the Debtors Act, 1888).

Provided that, for the purpose of facilitating the application of the provisions of the enactments hereby applied, any Court within the aforesaid lands may construe them with such alterations, not affecting the substance, as may be necessary of proper to adapt them to the matter before the Court.

The entry relating to Act XIV of 1866 is omitted, as that Act was repealed by Act VI of 1898, which was applied by Notification No. 2402-1., dated the 2nd September, 1898, printed, *supra*, p. 308.

CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

B.—British-Rajputana-Malwa Railway (Central India States) Enactments—  
1.-(a) Notifications applying Acts—*concl'd.*

Several Acts—*cont'd.*

2. The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

No. 1829-I.,	dated the 30th April, 1885.	
" 2920-I.,	" 28th August, 1885.	
" 1674-I.,	" 30th April, 1888.	
" 1682-I.,	" 30th April, 1888.	
" 4592-I.,	" 21st November, 1888.	
" 4589-I.,	" 21st December, 1888.	
" 1655-I.,	" 20th April, 1889.	
" 1656-I.,	" 26th April, 1889.	
" 1836-I.,*	" 23rd March, 1891.	*Only so much as refers to the Holkar State Railway, the Sindia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the Rajputana State Railway, the Western Rajputana State Railway, and the Cawnpore-Achnera Railway.

[See *Gazette of India*, 1896, Pt. I, p. 51.]

The Revenue Recovery Act, 1890 (I of 1890).

\* No. 1415-I., dated the 30th April, 1889.—printed, *infra*, p. 347.

The Indian Railways Act, 1890 (IX of 1890).

\* No. 3063-I.B., dated the 13th August, 1897.—printed, *supra*, p. 278.

The Epidemic Diseases Act, 1897 (III of 1897).

\* No. 443-I.A., dated the 4th February, 1897.—printed, *infra*, p. 349.

The Code of Criminal Procedure, 1898 (Act V of 1898), and the Indian Post Office Act, 1898 (VI of 1898).

No. 2402-I.B., dated the 2nd September, 1898.—printed, *supra*, p. 308.

1.-(b) Special Local Laws.

Orders as to Courts established or continued by the Governor General in Council and the reciprocal execution of Decrees and service of summons between such Courts, British Indian Courts and certain Courts in Native States.

Nos. 1361-I. to 1364-I., dated the 24th March 1889, No. 1366-I. to 1368-I., dated *idem*, and Nos. 2182-I. and 2183-I., dated the 2nd July 1890.—printed, *infra*, pp. 336 to 343.

For Notification providing for the administration of Criminal justice within this Railway, see *supra*, p. 320.

<sup>1</sup> For the Western Rajputana Railway, see the Western India Volume, for the Rajputana Railway, see the Rajputana and Northern India Volumes, and for the Cawnpore-Achnera Railway, see the Rajputana Volume.

<sup>2</sup> These Notifications also apply to the Indore Section south of the Nerbudda.

**CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.***

**B.—British-Rajputana-Malwa Railway (Central India States) Enactments—  
1.-(b) Special Local Laws—*contd.***

**Administration of Civil Justice.**

*No. 333-I., dated the 24th January, 1896.*—Whereas the Rulers of the States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction within those portions of land which lie within their respective States and are occupied or may be hereafter occupied by the sections of the Rajputana-Malwa Railway System mentioned opposite their names, respectively, in the first column of that schedule (including the lands occupied as stations, out-buildings, and for all other railway purposes) : In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of Civil justice within the aforesaid portions of land :—

(1) Every officer mentioned in the third column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of that schedule as are situate within the territories of the State or States mentioned opposite his name in the second column of that schedule, the powers of a Court of Small Causes with jurisdiction in all suits cognizable under Act IX of 1887,<sup>1</sup> when the amount or value of the subject-matter does not exceed one thousand rupees.

(2) Every officer mentioned in the fourth column of the schedule hereto annexed shall exercise within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of that schedule as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers of a District Court as defined in section 2 of the Code of Civil Procedure, with jurisdiction in all original suits, whatever be the amount or value of the subject-matter, and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force within the said sections of the Rajputana-Malwa Railway System.

(3) Every officer mentioned in the fifth column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of that schedule as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers of a High Court for the purpose of hearing appeals from the decisions and orders of the said District Courts, and disposing of references from the said Courts of Small Causes and for all other purposes whatever connected with the administration of Civil Justice, within the said sections of the Rajputana-Malwa Railway System.

(4) The provisions of this Notification apply to all proceedings except proceedings pending at the date of this Notification, which shall be carried on as if this Notification had not been issued.

(5) The following Notifications issued by the Government of India in the Foreign Department are hereby cancelled :—

No. 1333-I., dated the 30th April, 1885.

„ 2921-I., „ 28th August, 1885.

„ 2786-I., „ 11th July, 1892.

<sup>1</sup> Printed, General Acts, Vol. V, Ed. 1898, p. 128.

CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE  
INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

B.—British-Rajputana-Malwa Railway (Central India States) Enactments—  
1.-(b) Special Local Laws—*contd.*

Administration of Civil Justice—*contd.*

SCHEDULE.<sup>1</sup>

1	2	3	4	5
Railway.	State.	Court of Small Causes.	District Court.	High Court.
* Holkar State Railway (north of the Nerbudda).	Indore . . .	The Political Agent in <sup>2</sup> Malwa.	The Political Agent in <sup>2</sup> Malwa.	The Agent to the Governor General in Central India.
Sindia-Neemuch State Railway.	Indore . . .			
Ditto . . .	Gwalior . . .			
Ditto . . .	Dhar . . .			
Ditto . . .	Rutlam (south of and including Rutlam Railway station).	The Cantonment Magistrate of Neemuch.	The Cantonment Magistrate of Neemuch.	
Ditto . . .	Rutlam (to the north of Rutlam Railway station).			
Ditto . . .	Sailana . . .			
Ditto . . .	Jaora . . .			
Neemuch-Nasirabad State Railway.	Gwalior . . .	The Cantonment Magistrate of Nasirabad.	The Cantonment Magistrate of Nasirabad.	
Ditto . . .	Meywar . . .			
Ditto . . .	Tonk . . .			
Cawnpore-Ach n e r a Railway.	Bhartpur . . .			
Rajputana State Railway.	Alwar <sup>3</sup> . . .	The Judicial Assistant Commissioner of Ajmere.	The Political Agent in Alwar.	The Agent to the Governor General in Rajputana.
Ditto . . .	Bhartpur . . .			
Ditto . . .	Jaipur . . .			
Ditto . . .	Jodhpur . . .			
Ditto . . .	Kishangarh . . .	The Assistant Commissioner of Merwara.	The Assistant Commissioner of Merwara.	
Western Rajputana State Railway.	Jodhpur <sup>3</sup> . . .			
Ditto . . .	Sirohi . . .			
Godhra-Rutlam-Nagda Railway.	Indore, Rutlam, Sailana, Jhabua.			
<sup>2</sup> Nagda-Ujjain Railway.	Gwalior, . . . <sup>3</sup>	The Cantonment Magistrate of Neemuch.	The Cantonment Magistrate of Neemuch.	The Agent to the Governor-General in Central India.
		The Political Agent in <sup>2</sup> Malwa.	The Political Agent in <sup>2</sup> Malwa.	

\* Note.—The arrangements made in regard to Railway lands in Indore territory lying south of the river Nerbudda, and in the Nabha and Pataudi States are described in the Notification by the Government of India in the Foreign Department, No. 1007-I., dated the 31st March, 1884.

[See *Gazette of India*, 1896, Pt. I, p. 51.]

<sup>1</sup> The portions of this schedule printed in italics relate to States under the Rajputana Agency.

<sup>2</sup> As amended by Notification No. 3206-I.B., dated the 25th November 1898, see *Gazette of India*, 1898, Pt. I, p. 1148.

<sup>3</sup> As amended by Notification No. 2782-I.B., dated the 22nd July 1897, see *Gazette of India*, 1897, Pt. I, p. 666.

**CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.***

**B.—British-Rajputana-Malwa Railway (Central India States) Enactments—  
1.-(b) Special Local Laws—*concl'd.***

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**Rules for the payment of the expenses of complainants and witnesses in Criminal Courts.**

*No. 1626-I.B., dated the 16th June, 1897.—printed, supra, p. 49.*

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**Recovery of Revenue arrears accruing in British India.**

<sup>1</sup> *No. 1415-I., dated the 30th April, 1890.—printed, infra, p. 347.*

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**Printing and publication of newspapers and other printed works.**

<sup>1</sup> *No. 2651-I., dated the 25th June, 1891.—printed, infra, p. 348.*

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**Execution of warrants of capital sentences of British Courts beyond British India.**

<sup>1</sup> *No. 1431-I., dated the 27th April, 1893.—printed, infra, p. 345.*

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**The Arms Rules, 1895.**

*No. 3593-I., dated the 29th October, 1895.—printed, supra, p. 284.*

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<sup>1</sup> These Notifications apply also to the Indore Section south of the Nerbudda.

CHAPTER V.—II (8).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

**B.—BRITISH-RAJPUTANA-MALWA RAILWAY  
(CENTRAL INDIA STATES) ENACTMENTS.**

**2.-Local Rules and Orders under Acts of the Governor  
General in Council locally applied.**

Orders under the Code of Criminal Procedure, 1898.

*Exemption from service as jurors or assessors.*

No. 339-I., dated the 24th January, 1896.—Under section 320, clause (k), of the Code of Criminal Procedure, 1882,<sup>1</sup> as applied to the Rajputana-Malwa Railway System by the Notification of the Government of India in the Foreign Department, No. 326-I., dated the 24th January, 1896, the Governor General in Council is pleased to exempt the following officials employed upon the Rajputana-Malwa Railway from service as jurors or assessors in criminal trials held in any Court in Central India:—

1. The Manager.
2. Engineers in charge of the line.
3. Engineering Inspectors employed on the line.
4. Locomotive Foremen, or Drivers in charge of the changing stations.
5. Drivers of pilot engines.
6. District and Assistant Superintendents of Locomotive Department.
7. District Superintendents of Traffic.
8. Assistant Superintendents of Traffic.
9. Station Masters.
10. Guards.

[See *Gazette of India*, 1896, Pt. I. p. 54.]

*Conduct of prosecutions by Police-officers.*

No. 338-I., dated the 24th January, 1896.—Under section 495 of the Code of Criminal Procedure, 1882,<sup>1</sup> as applied to the Rajputana-Malwa Railway System by the Notification of the Government of India in the Foreign Department, No. 326-I., dated the 24th January, 1896, the Governor General in Council is pleased to declare the rank of Sub-Inspector as the rank below which Magistrates may not permit police-officers of the Rajputana-Malwa Railway Police in Central India and Rajputana to conduct prosecutions, and to empower police-officers of the Rajputana-Malwa Railway Police in Central India and Rajputana of and above the rank of Assistant Superintendent to conduct prosecutions without the permission of a Magistrate.

2. The Notifications of the Government of India in the Foreign Department, Nos. 1024-I., and 1026-I., dated the 25th February, 1887, are cancelled.

[See *Gazette of India*, 1896, Pt. I. p. 53.]

**Orders under the Police Act.**

*Formation of a Police District, etc.*

No. 83, dated the 11th February, 1898.<sup>2</sup>—In exercise of the powers conferred by section 2, sub-sections (1) and (2), of the Police Act, 1888 (III of 1888), and of all other powers enabling him in this behalf, the Governor General in Council is pleased

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 2402-I.B., dated the 2nd September, 1898, printed, *supra*, p. 308.

<sup>2</sup> This Notification applies also to the Indore Section south of the Nerbudda.



CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAYS, EXCEPT THE INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

B.—British-Rajputana-Malwa Railway (Central India States) Enactments—  
2.—Local Rules and Orders under Acts—*contd.*

Orders under the Police Act—*contd.*

to create a general police district embracing all the lands for the time being occupied by the *Ahmedabad-Parantij Railway*, by the *Bombay, Baroda and Central India Railway*, by the *Rajpipla State Railway*, by the *Rajputana-Malwa Railway System* (including the *Holkar State Railway*, the *Sindia-Neemuch State Railway*, the *Neemuch-Nasirabad State Railway*, the *Rajputana State Railway*, the *Western Rajputana State Railway*, the *Palampur-Deesa Railway*, the *Godhra-Rutlam-Nagda Railway*, the *Nagda-Ujjain Railway*, and the *Rewari Perozepore State Railway*, but excluding the *Cawnpore-Achnera State Railway*), and by the *Tapti Valley Railway*, respectively, all lands occupied by stations, by out-buildings, and for other railway purposes being included, and to direct the enrolment under Act V of 1861 of a police force for service therein.

II.—The Governor General in Council is also pleased to appoint the Governor of Bombay in Council to discharge within the general police district aforesaid the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, 1882 (X of 1882),<sup>1</sup> and any other enactment relating to Police for the time being in force in the lands aforesaid or in any part thereof.

III.—The following Notifications of the Government of India in the Home Department are hereby cancelled :—

- |     |      |           |                     |
|-----|------|-----------|---------------------|
| No. | 4,   | dated the | 6th January, 1891.  |
| „   | 39,  | „         | 24th January, 1896. |
| „   | 359, | „         | 24th June, 1897.    |
| „   | 490, | „         | 28th August, 1897.  |

[See *Gazette of India*, 1891, Pt. I, p. 130.]

*No. 3839, dated the 3rd June, 1898.*<sup>2</sup>—With reference to the Government of India Notifications noted in the margin, and in supersession of Government Notification in the Judicial Department, No. 686, dated the 25th January, 1896, and under the provisions of section 2 (2) of Act III of 1888, and section 4 of Act V of 1861, the Governor in Council is pleased to direct that every officer mentioned in the 5th, 6th and 7th columns of the schedule hereto attached shall exercise, within such sections of the general police district created by the above quoted Government of India Notifications mentioned opposite his name in the 1st, 2nd and 3rd columns of the schedule as are situated within the territories of the State or Local Government mentioned opposite his name in the 4th column of the schedule, the powers of an Assistant District Superintendent of Police, of a District Superintendent of Police or an Inspector General of Police, as the case may be.

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898) which was applied by Notification No. 2402-I.B., dated the 2nd September, 1898, printed, *supra*, p. 308.

<sup>2</sup> This Notification applies also to the Indore Section south of the Nerbudda.

**CHAPTER V.—II(3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE  
INDORE SECTION, SOUTH OF THE NERBUDDA—contd.**

**B.—British-Rajputana-Malwa Railway (Central India States) Enactments—2.-Local  
Rules and Orders under Acts—contd.**

**Orders under the Police Act—contd.**

**SCHEDULE.**

1	2	3	4	5	6	7
Railway.	Section.	Sub-section.	Province, Presidency or State.	Assistant District Superintendent of Police.	District Superintendent of Police.	Inspector General of Police.
Rajputana State Railway.	Delhi to Ajmere.	Delhi to 35 miles north of Jātaoli.	Punjab, (Delhi and Gurgaon Districts).	Assistant Super- intendent of Police, Bandi- kui.	Superintendent of Police, Bombay, Baroda and Cen- tral India and Rajputana-Mal- wa Railways.	Inspector General of Police, Bombay Presidency.
Ditto . .	Ditto . .	Mile 35 to 41 north of Khalilpur.	Pataudi.			
Ditto . .	Ditto . .	Mile 41 to 57 north of Bāwal.	Punjab (Gurgaon District).			
Ditto . .	Ditto . .	Mile 57 to 240½ north of Tilaunia.	{ Nābha.			
			{ Alwar.			
			{ Jaipur			
			{ Jodhpur.			
			{ Kishangarh.			
Ditto . .	Ditto . .	Mile 240½ to 251½ south of Tilaunia.	Ajmir-Merwara (Ajmir District).			
Ditto . .	Ditto . .	Mile 251½ to 261 north of Akhri.	Kishengarh.			
Ditto . .	Ditto . .	Mile 261 to 275, Ajmir.	Ajmir-Merwara (Ajmir District).			
Ditto . .	Farukhnagar Branch.	Garhi-Harsaru to Farukhnagar, 7½ miles.	Punjab, Gurgaon District.			
Ditto . .	Sāmbar Branch	Phulera to Kacha- man Road, includ- ing Jaipur exten- sion to Sāmbar Branch, 26 miles.	{ Jaipur.	Nil . . .	Ditto . .	Ditto
			{ Jodhpur.			
Ditto . .	Agra Branch .	Agra to mile 21 south of Achnera.	North-Western Provinces, (Agra District).			
Ditto . .	Ditto . .	Mile 21 to 93½, Bandikui.	{ Bhartpur			
			{ Alwar.			
			{ Jaipur.			
Western Raj- putana State Railway.	Ajmir to Sabar- mati.	Ajmere to mile 318½ south of Sendra.	Ajmir Merwara, (Ajmir and Mer- wara Districts).			
Ditto . .	"	Mile 318½ to 568½ north of Khodiar.	{ Jodhpur.			
			{ Sirahi.			
			{ Pālanpur.			
Ditto . .	"	Mile 568½ to 576, Sābarmati.	{ Baroda.			
			Bombay Presidency, Ahmedabad District.			

CHAPTER V.—11(3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE  
INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.*

B.—British-Rajputana-Malwa Railway (Central India States) Enactments—2.—Local  
Rules and Orders under Acts—*contd.*

Orders under the Police Act—*contd.*

SCHEDULE—*contd.*

1	2	3	4	5	6	7
Railway.	Section.	Sub-section.	Province, Presidency or State.	Assistant District Superintendent of Police.	District Superintendent of Police.	Inspector-General of Police.
Neemuch-Nasirabad State Railway.	Malwa Line	Ajmir to mile 41½ south of Barl.	Ajmir-Merwara (Ajmir District).	Assistant Superintendent of Police, Indore.	Superintendent of Police, Bombay, Baroda and Central India and Rajputana-Malwa Railways.	Inspector-General of Police, Bombay Presidency.
Ditto	Ditto	Mile 41½ to Neemuch	{ Mewar. Tonk. Gwalior.			
India-Neemuch Railway.	...	Neemuch to Indore	{ Dhar. Gwalior. Indore. Jaora. Rutlam. Sailana.			
Ditto	Ujjain Branch	Fatehabad to Ujjain, 14½ miles.	{ Gwalior. Indore.			
Rewari-Ferozepore Railway.	...	Rewari to Ferozepore.	Punjab (Gurgaon, Hissar and Ferozepore Districts). Dujana Faridkot. Jhind. Nabha. Patiala. Palanpur	Nil.	Ditto	Ditto.
Palanpur-Deesa Railway.	Deesa Branch	Palanpur to Deesa, 17½ miles.	Bombay Presidency (Ahmedabad District). Baroda. Katosan. Jipura (in Mahi Kautha Agency).	Assistant Superintendent of Police, Bombay, Baroda and Central India Railway, Bombay.	Ditto	Ditto.
The Gaskwar's Mehsana Railway.	...	Mehsana to Viramgam.	Indore	Assistant Superintendent of Police, Indore.	Ditto	Ditto.
Holkar State Railway.	...	Indore to mile 364½	Indore			
Ditto	...	Mile 364½ to 393, Khandwa.	Indore, Central Provinces (Nimar District).			

**CHAPTER V.—II(3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE  
INDORE SECTION, SOUTH OF THE NERBUDDA—*contd.***

**B.—British-Rajputana-Malwa Railway (Central India States) Enactments—2.—Loca  
Rules and Orders under Acts—*contd.***

**Orders under the Police Act—*concl'd.***

**SCHEDULE.—*concl'd.***

1	2	3	4	5	6	7
Railway.	Section.	Sub-section.	Province, Presidency or State.	Assistant District Superintendent of Police.	District Superintendent of Police.	Inspector Gener of Police.
Bombay, Baroda and Central India Railway.	Bombay to Wadh- wan.	Bombay to Wadh- wan.	Bombay Presidency (Bombay Island, Thana, Surat, Broach, Kaira and Ahmedabad Dis- tricts). Bhojwa. Lakhtar. Bajana. Wadhwan.	Assistant Super- intendent of Police Bom- bay, Baroda and Central India Railway, Bombay.	Superintendent of Police, Bombay Baroda and Can- tral India and Rajputana-Mal- wa Railways.	Inspector-Genera of Police. Bomba; Presidency.
Ditto . .	Patri Branch .	Viramgam to Khara- ghoda, 22½ miles.	Bombay Presidency (Ahmedabad Dis- trict).			
Ditto . .	Godhra Branch .	Amend to Godhra .	Bombay Presidency (Kaira and Panch Mahals Districts). Pandu Mewas.			
Ahmedabad Parantij Railway.	...	Ahmedabad to Parantij and Idar-Ahmed- nagar.	Bombay Presi- dency. Baroda State. Idar State.			
Rajpipla State Railway.	...	Ankleshwar to Pardi.	Bombay Presi- dency. Rajpipla State.	Ditto . .	Ditto . .	Ditto.
Godhra-Rutlam- Nagda Railway.	...	Godhra to Rutlam. Rutlam to Nagda.	Bombay Presi- dency. Indore State. Rutlam State.			
Nagda-Ujjain Railway.	...	Nagda to Ujjain.	Sailana State. Jhabua State. Gwalior State.	Assistant Super- intendent of Police, R a J- putana-Malwa- Railway, I n- dore.	Ditto . .	Ditto.
Tapti Valley Rai- way.	...	Surat to Amalner.	Bombay Presi- dency.— Baroda State, Sachin State.	Assistant Super- intendent of Police, Bom- bay, Baroda and Central India Railway, Bombay.	Ditto . .	Ditto

CHAPTER V.—II (3).—THE RAJPUTANA-MALWA RAILWAY, EXCEPT THE  
INDORE SECTION, SOUTH OF THE NERBUDDA—*concl'd.*

**B.—British-Rajputana-Malwa Railway (Central India States) Enactments—2.-Local  
Rules and Orders under Acts—*concl'd.***

Rules and Orders under the Indian Railways Act, 1890.

<sup>1</sup> No. 3063-I.A., dated the 13th August, 1897.—printed, *supra*, p. 278.

*Officer to take action in regard to accidents.*

No. 6113, dated the 12th August, 1895.—In exercise of the powers conferred on him by the Government of India in the Foreign Department in their Notification No. 1328-I.,<sup>2</sup> dated the 23rd March 1891, and subsequent amending Notifications, the Agent to the Governor General in Central India hereby appoints the Assistant Inspector General of the Bombay, Baroda and Central India and Rajputana-Malwa Railway Police, being a Magistrate of the 1st Class, to be the Magistrate who shall take action in regard to accidents occurring on those portions of the Godhra-Rutlam and Rajputana-Malwa Railways running through the Central India Agency, and on which the said Assistant Inspector General exercises the powers of a Magistrate of the 1st Class,

[See *Gazette of India*, 1895, Pt. II, p. 1007.]

Order delegating powers under the Epidemic Diseases Act, 1897 (III of 1897).

<sup>1</sup> No. 444-I.A., dated the 4th February, 1897.—printed, *infra*, p. 349.

Regulations for the Inspection of persons travelling by Railway.

Dated the 18th February, 1897.—printed, *supra*, p. 288.

<sup>1</sup> These Notifications also apply to the Indore Section south of the Nerbudda.

<sup>2</sup> Now superseded by Notification No. 3063-I., dated the 1st August, 1897, printed, *supra*, p. 278.

## GENERAL APPENDIX.

- I. ORDERS RELATING TO EXECUTION AND SERVICE RESPECTIVELY BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN NATIVE STATES COURTS.
- II. ORDER RELATING TO SERVICE BY BRITISH INDIAN COURTS OF SUMMONSES OF CERTAIN NATIVE STATES CIVIL AND REVENUE COURTS.
- III. ORDER EMPOWERING BRITISH COURTS IN NATIVE STATES TO SEND WARRANTS FOR EXECUTION OF CAPITAL SENTENCES TO JAILS IN BRITISH INDIA.
- IV. ORDER PROVIDING FOR THE RECOVERY IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BUT NOT FORMING PART OF BRITISH INDIA OF REVENUE ARREARS ACCRUING IN BRITISH INDIA.
- V. ORDER REGULATING THE PRINTING AND PUBLICATION OF NEWSPAPERS IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BUT NOT FORMING PART OF BRITISH INDIA.
- VI. ORDERS PROVIDING FOR THE PREVENTION OF DANGEROUS EPIDEMIC DISEASES IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL, BUT NOT FORMING PART OF BRITISH INDIA.

# I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES.

## A.—Courts established or continued by the Governor General in Council in Native States.

**XIV of 1889** No. 1361-I., dated the 29th March, 1889.—With reference to sections 90, 229, 229-A, 229-B and 650-A of the Code of Civil Procedure, the Governor General in Council is pleased to notify that the following Courts among others are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely :—

### Civil and Military Station of Bangalore.

The Courts of the Resident in Mysore, the Civil Judge and the Munsif.

### Rajputana.

The District Courts of those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana ;

the District Courts of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur ;

<sup>1</sup> the District Court of the section of the Indian Midland Railway which is situated in the Dholpur State ;

the Court of the Magistrate of Abu ;

the Court of Small Causes for those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana ;

The Court of Small Causes of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur ; and

<sup>1</sup> the Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State.

### Central India.

The District Courts, Rajputana-Malwa Railway, at Mhow and Neemuch ;

<sup>1</sup> the District Courts of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency ;

the Courts of the Civil Judge of Mhow, Neemuch, Nowgong, and Indore ;

the Court of the Political Assistant, Guna ;<sup>2</sup>

the Courts of Small Causes at Mhow, Neemuch, Nowgong, and Sipri ;<sup>3</sup>

the Courts of Small Causes, Rajputana-Malwa Railway, Mhow and Neemuch Sections ; and

<sup>1</sup> the Court of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

### Hyderabad.

All Civil Courts in the Hyderabad Assigned Districts ; and

the Civil Courts of the First and Second Assistant Residents, the Cantonment and Assistant Cantonment Magistrates of Secunderabad, and the Superintendent of the Residency Bazaars.

### Baluchistan Agency.

<sup>4</sup> All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

### Baroda.

The Court of Small Causes in the Cantonment of Baroda ; and

<sup>5</sup> the Court of the First Assistant to the Agent to the Governor General.

<sup>1</sup> These clauses were added by Notification No. 996-I., dated the 4th March, 1891, see *Gazette of India*, 1891, Pt. I, p. 124.

<sup>2</sup> Now styled Assistant to the Resident at Gwalior.

<sup>3</sup> Sipri was given back to the Gwalior Durbar in 1896.

<sup>4</sup> This clause was added by Notification No. 1480-E., dated the 17th July, 1890, see *Gazette of India*, 1890, Pt. I, p. 530.

<sup>5</sup> This clause was added by Notification No. 3831-I., dated the 4th October, 1890, see *Gazette of India*, 1890, Pt. I, p. 734.

**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.***

**A.—Courts established or continued by the Governor General in Council in Native States—*contd.***

*Manipur.*

The Court of the Political Agent at Manipur.

*Kashmir.\**

\* The Court of the Resident in Kashmir.

The Courts of Assistants to the Resident in Kashmir.

[See *Gazette of India*, 1889, Pt. I, p. 184.]

*No. 2179-I., dated the 2nd July, 1890.*—With reference to sections 90, 229, 229-A, 229-B and 650-A of the Code of Civil Procedure, and in continuation of Foreign XIV of 1882. Department Notification No. 1361-I., dated the 29th March, 1889, the Governor General in Council is pleased to notify that the following Courts in the territories of Native Chiefs under the political control of the Government of Bombay are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely:—

Court of the Political Superintendent, Pálanpur.  
 Court of the Personal Assistant to the Political Superintendent, Pálanpur.  
 Court of the Political Agent, Kolhápur and Southern Maratha Country.  
 Court of the Political Agent, Káthiáwár.  
 Court of the Assistant Political Agent, Jhálávád Pránt.  
 Court of the Assistant Political Agent, Soráth Prant.  
 Court of the Assistant Political Agent, Hálár Prant.  
 Court of the Assistant Political Agent, Gohelvad Pránt.  
 Court of the Deputy Assistant Political Agent, Jhalavad Prant.  
 Court of the Deputy Assistant Political Agent, Sorath Prant.  
 Court of the Deputy Assistant Political Agent, Halar.  
 Court of the Deputy Assistant Political Agent, Gohelvad.  
 Court of Small Causes, Rajkot Civil Station.  
 Court of the Wadhwan District Thanadar.  
 Court of the Chotila Thanadar.  
 Court of the Dasada Thanadar.  
 Court of the Bhoika Thanadar.  
 Court of the Paliad Thanadar.  
 Court of the Vithalgad Thanadar.  
 Court of the Station Officer, Wadhwan.  
 Court of the Bagasra Thanadar.  
 Court of the Lakhapadar Thanadar.  
 Court of the Ladhika Thanadar.  
 Court of the Dhrafa Thanadar.  
 Court of the Deputy Thanadar, Mulila.  
 Court of the Babra Thanadar.  
 Court of the Songad Thanadar.  
 Court of the Chamardi Thanadar.  
 Court of the Datha Thanadar.

\* Added by Notification No. 1431-E., dated the 13th July, 1891, see *Gazette of India*, 1891, Pt. I, p. 428.



**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.***

**A.—Courts established or continued by the Governor General in Council in Native States—*concl'd.***

Court of the Chok Thanadar.  
 Court of the Political Agent, Mahi Kantha.  
 Court of the Assistant Political Agent, Mahi Kantha.  
 Court of the Personal Assistant to the Political Agent, Mahi Kantha.  
 Court of the Thanadar of the Bavisai Zilla.  
 Court of the Thanadar of Sabar Kantha.  
 Court of the Thanadar of Katosan.  
 Court of the Thanadar of Ghadvada.  
 Court of the Thanadar of Hadol.  
 Court of the Thanadar of Jher Nirmali.  
 Court of the Aval Karkun at Mahisa.  
 Court of the Political Agent, Rewa Kantha.  
 Court of the Assistant Political Agent, Rewa Kantha.  
 Court of the Sankheda Thanadar.  
 Court of the Pandu Thanadar.  
 Court of the Thanadar of the Tharad Jamya villages.  
 Court of the Thanadar of Vav.  
 Court of the Thanadar of Santalpul.  
 Court of the Thanadar of Varahi.  
 Court of the Thanadar of Deodar.  
 Court of the Thanadar of Kankrej.  
<sup>1</sup> Court of the Assistant Political Agent, Kolhapur and Southern Maratha Country

[See *Gazette of India*, 1890, Pt. I, p. 484.]

**B.—Execution of Decrees.**

**1.—Application of section 229-A of the Code of Civil Procedure to Courts established or continued by the Governor General in Council in Native States, and execution by those Courts of decrees of British Indian Courts.**

**No. 1362-I., dated the 29th March, 1889.**—In exercise of the powers conferred **XXI of 1879.** by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is **XIV of 1882.** pleased to declare section 229-A of the Code of Civil Procedure to apply to the Courts specified in the schedule hereto,<sup>2</sup> and to notify that a decree of any Court situate in British India which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to a Court specified in the schedule, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

**SCHEDULE.**

*Civil and Military Station of Bangalore.*

The Court of the Civil Judge.

<sup>1</sup> Added by Notification No. 4110-I., dated the 8th October, 1891, *see Gazette of India*, 1891, Pt. I, p. 572.

<sup>2</sup> For Courts in Native States under the Government of Bombay, to which section 229-A of the Code of Civil Procedure has been applied, *see General Appendix to the Western India Volume.*

**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.***

*B.—Execution of Decrees—contd.*

*Rajputana.*

The District Courts of those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana;

the District Court of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur;

<sup>1</sup> the District Court of the section of the Indian Midland Railway which is situated in the Dholpur State;

the Court of the Magistrate of Abu;

the Courts of Small Causes for the sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana;

the Court of Small Causes for that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur; and

<sup>2</sup> the Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State.

*Central India.*

The District Courts, Rajputana-Malwa Railway, at Mhow and Neemuch;

<sup>1</sup> the District Courts of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency;

the Courts of the Civil Judges of Mhow, Neemuch, Nowgong, and Indore;

the Court of the Political Agent, Guna;<sup>2</sup>

the Courts of Small Causes at Mhow, Neemuch, Nowgong, and Sipri;<sup>3</sup>

the Courts of Small Causes, Rajputana-Malwa Railway, Mhow and Neemuch Sections; and

<sup>2</sup> the Courts of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

*Hyderabad.*

All Civil Courts in the Hyderabad Assigned Districts; and

the Civil Courts of the Second Assistant Resident, the Cantonment and Assistant Cantonment Magistrates of Secunderabad, and the Superintendent of the Residency Bazaars.

*Baluchistan Agency.*

<sup>4</sup> All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

*Baroda.*

The Court of Small Causes in the Cantonment of Baroda; and

<sup>5</sup> the Court of the First Assistant to the Agent to the Governor General.

*Manipur.*

The Court of the Political Agent at Manipur.

*Kashmir.<sup>6</sup>*

The Court of the Resident in Kashmir.

The Courts of Assistants to the Resident in Kashmir.

[See *Gazette of India*, 1889, Pt. I, p. 185.].

<sup>1</sup> These clauses were added by Notification No. 997-I., dated the 4th March, 1891, see *Gazette of India*, 1891, Pt. I, p. 124.

<sup>2</sup> Now styled Assistant to the Resident at Gwallior.

<sup>3</sup> Sipri was given back to the Gwallior Durbar in 1898.

<sup>4</sup> This clause was added by Notification No. 1431-E., dated the 17th July, 1890, see *Gazette of India*, 1890, Pt. I, p. 530.

<sup>5</sup> This clause was added by Notification No. 3332-I., dated the 4th October, 1890, see *Gazette of India*, 1890, Pt. I, p. 735.

<sup>6</sup> Added by Notification No. 1422-E., dated the 13th July, 1891, see *Gazette of India*, 1891, Pt. I, p. 424.

**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—  
*contd.***

**B.—Execution of Decrees—contd.**

**2.—Execution by all Courts established or continued by the Governor General in Council in Native States of decrees of other such Courts.**

**XXI of 1879.** *No. 1363-I., dated the 29th March, 1889.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to notify that a decree of any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to any other such Court, be executed by the other Court, to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

[See *Gazette of India*, 1889, Pt. I, p. 186.]

**3.—Execution by all Courts established or continued by the Governor General in Council in Native States of decrees of Civil and Revenue Courts not so established or continued in Mysore and in Bombay Native States.**

**XXI of 1879.** *No. 1364-I., dated the 29th March, 1889.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to notify that a decree of any Civil or Revenue Court situate in the territories of His Highness the Maharaja of Mysore, and not established or continued by the authority of the Governor General in Council, may, if sent for execution to a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

[See *Gazette of India*, 1889, Pt. I, p. 186.]

**XXI of 1879.** *No. 2183-I., dated the 2nd July, 1890.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, and in continuation of Foreign Department Notification No. 1364-I., dated the 29th March, 1889, the Governor General in Council is pleased to notify that, pending further orders a decree, of any of the undermentioned Courts situate in Native States, within the political control of the Government of Bombay, and not established or continued by the authority of the Governor General in Council, may, if sent for execution to a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, be executed by the Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself:—

**Kolhapur.**

Court of the Council of Administration, Kolhapur.

„ Chief Judge of Kolhapur.

„ Sadar Amin of Kolhapur.

„ Munsif of Shirol.

„ Gad Hinglaj.

„ Joint Officer at Katkol.

„ Munsif of Vishalgad.

**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.***

*B.—Execution of Decrees—concl'd.*

*Kolhapur—contd.*

Court of the Munsif of Inchalkaranji.

- " Chief of Bavda.
- " Karbhari of Bavda.
- " Karbhari of Kagal.
- " Karbhari of Kapsi.<sup>1</sup>

*Southern Maratha Country.*

Court of the Chief of Mudhol : : : } Mudhol State Courts.  
 " Nyayadhish of Mudhol : : :

*Janjira.*

Court of the Sir Nyayadhish of Janjira.

*Mahi Kantha.*

Court of the Government Manager of Mansa.

- " Japtidar of Mohanpur.
- " " Varsoda.
- " " Pethapur.
- " " Vasna.
- " " Valasna.
- " " Palej.
- " " Galeat.

*Rewa Kantha.*

Court of the Administrator of Rajpipla.  
 " Assistant Administrator of Rajpipla.  
 " Sir Nyayadhish of Rajpipla.  
 " Subordinate Judge of Bhalod.

*Surat.*

Court of the Administrator of Sachin.  
 " Diwan of Sachin.  
 " Tahsildar of Sachin.

*Southern Maratha Country.*

Court of the Joint Administrators of Miraj (junior) . }  
 " Munsif of Kowtha . . . . } Courts of Miraj (junior).  
 " " Gadgeri . . . . }  
 " " Karoli . . . . }  
 " Administrators of Ramdurg . . . } Courts of the Ramdurg State.  
 " Nyayadhish of Ramdurg . . . }

*Savantvadi.*

Court of the Political Superintendent, Savantvadi.  
 " Assistant Political Superintendent, Savantvadi.  
 " [ Chief Judge of Savantvadi ].  
 " Nyayadhish of Savantvadi.  
 " Munsif of Kudal.  
 " Small Causes of Vadi.<sup>2</sup>

*Sholapur.*

Court of the Subordinate Judge of Akalkot.  
 Subordinate Court of Pilio.

" " Kurla.  
 [ See *Gazette of India*, 1890, Pt. I, p. 486.]

<sup>1</sup> Added by Notification No. 2594-I., dated the 6th August, 1890, see *Gazette of India*, 1890, Pt. I, p. 612.

<sup>2</sup> The words the "Chief Judge of Savantvadi" were substituted for the words "Judicial Assistant Political Superintendent, Savantvadi," by Notification No. 3931-I.A., dated the 24th September, 1897, see *Gazette of India*, 1897, Pt. I, p. 853.

<sup>3</sup> This Court was added by the Notification quoted in the second note, *supra*.

**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.***

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*C.—Service of summonses.*

- 1.—Service by all Courts established or continued by the Governor General in Council in Native States of summonses issued by British Indian Civil or Revenue Courts.**

**XI of 1879.** *No. 1366-I., dated the 29th March, 1889.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Civil or Revenue Court in British India for service within the local limits of the jurisdiction of a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, shall, if sent to that Court, be served by that Court within those limits in manner provided by the Code of Civil Procedure, and, after being so served, be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in section 90 of that Code.

[See *Gazette of India*, 1889, Pt. I, p. 186.]

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- 2.—Service by all Courts established or continued by the Governor General in Council in Native States of summonses issued by other such Courts.**

**XI of 1879.** *No. 1367-I., dated the 29th March, 1889.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, for service within the local limits of the jurisdiction of any other such Court, shall, if sent to the other Court, be served by that Court within those limits in manner provided by the Code of Civil Procedure, and, after being so served, be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in section 90 of that Code.

[See *Gazette of India*, 1889, Pt. I, p. 188.]

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- 3.—Service by all Courts established or continued by the Governor General in Council in Native States of summonses issued by Civil and Revenue Courts not so established or continued in Hyderabad, Mysore, Central India and Bombay Native States.**

**XI of 1879.** *No. 1368-I., dated the 29th March, 1889.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Civil or Revenue Court situate within the territories of His Highness the Nizam of Hyderabad, or His Highness the Maharaja of Mysore, or of any Prince or State in Central India, and not established or continued by the authority of the Governor General in Council, shall, if sent to any Court so established or continued in the territories of any Foreign Prince or State, be served by that Court as if the summons had been issued by itself, and, after being so served, be returned with an endorsement of such service under the hand of the Judge of the Court.

[See *Gazette of India*, 1889, Pt. I, p. 187.]

**I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*concl'd.***

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*C.—Service of summons—concl'd.*

*No. 2182-I., dated the 2nd July, 1890.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in continuation of Foreign Department Notification No. 1368-I., dated 29th March, 1889, to direct that a summons issued by any Civil or Revenue Court in a Native State, situate within the political control of the Government of Bombay, and not established or continued by the authority of the Governor General in Council, shall, if sent to any Court so established or continued in the territories of any Foreign Prince or State, be served by that Court as if the summons had been issued by itself, and, after being so served, be returned with an endorsement of such service under the hand of the Judge of the Court.

[See *Gazette of India*, 1890, Pt. I, p. 486.]

## II.—SERVICE BY BRITISH INDIAN COURTS OF SUMMONSES ISSUED BY THE CIVIL AND REVENUE COURTS OF CERTAIN NATIVE STATES IN CENTRAL INDIA.<sup>1</sup>

*No. 928-I., dated the 12th March, 1896.*—Under the provisions of section 650-A of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that summons issued by any Civil or Revenue Court within the territories of the States named in the schedule to this Notification may be sent to the Courts in British India and served as if they had been issued by such Courts.

### SCHEDULE.

- |                                |                              |
|--------------------------------|------------------------------|
| 1. Gwalior.                    | 12. Bhopal.                  |
| 2. Dewas State, Senior Branch. | 13. Orchha.                  |
| 3. Dewas State, Junior Branch. | 14. Datia.                   |
| 4. Rewa.                       | 15. Panna.                   |
| 5. Jaora.                      | 16. Ajaigarh.                |
| 6. Rntlam.                     | 17. Charkhari.               |
| 7. Indore.                     | 18. Bijawar.                 |
| 8. Dhar.                       | 19. Baoni.                   |
| 9. Jhabua.                     | 20. Chhatarpur.              |
| 10. Barwani.                   | 21. Garrauli.                |
| 11. Ali Rajpur.                | 22. Karwai. <sup>2</sup>     |
|                                | 23. Narsingarh. <sup>3</sup> |

[See *Gazette of India*, 1896, Pt. I, p. 181.]

<sup>1</sup> For execution of decrees and service of summonses of Native States Courts, under the Government of Bombay and the service of summonses of Baroda Courts, *see* General Appendix to the Western India Volume.

For service of summonses of Civil Courts of the Khairpur State in Sind by British Indian Courts, *see* *ibid.*

For service of summonses of Civil and Revenue Courts in the Hyderabad State by Courts in British India, *see* the Southern India (Hyderabad) Volume.

For execution of decrees of Cochin and Travancore Courts by British Indian Courts, *see* the Southern India (Madras and Mysore) Volume.

For execution of decrees and service of summonses of Mysore Courts (including Courts in the Civil and Military Station of Bangalore) by Courts in British India, *see* the Madras and Mysore (Southern India) Volume.

For execution of decrees of Cooch Behar Courts by British Indian Courts, *see* Supplementary Notes to Chapter I (1), Pt. II, of the Northern India Volume.

<sup>2</sup> Added by Notification No. 5849-I.B., dated the 11th October, 1897, *see* *Gazette of India*, 1897, Pt. I, p. 935.

<sup>3</sup> Added by Notification No. 2960-I.B., dated the 1st November, 1898, *see* *Gazette of India*, 1898, Pt. I, p. 1085.

### III.—ORDER EMPOWERING BRITISH COURTS BEYOND THE LIMITS OF BRITISH INDIA TO SEND, IN CERTAIN CASES, THEIR WARRANTS FOR THE EXECUTION OF CAPITAL SENTENCES TO SUPERINTENDENTS OR KEEPERS OF JAILS IN BRITISH INDIA.

<sup>1</sup> *No. 1431-I., dated the 27th April, 1893.*—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death, or no suitable appliances for his execution in a decent and humane manner;

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the Superintendent or Keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such superintendent or keeper is to cause the execution to be carried out.

2. The Jail in British India to which the Court may send its warrant under the provisions of this Notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provision of this Notification shall be in the form set forth in the schedule hereto annexed.

#### SCHEDULE.

##### FORM OF WARRANT.

*To the Superintendent or Keeper of the Jail at \_\_\_\_\_ in British India.*

Whereas at a trial held on the \_\_\_\_\_ day of \_\_\_\_\_, 189 , at (*name of place*), in (*name of territory*), before me A. B. (*name of Judge*), being the presiding officer of a British Court exercising in (*or with respect to*) territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory, C. D. (*name of prisoner*) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death [*\*and the said sentence has been confirmed by E. F. (name of authority)*];

And whereas there is in (*name of territory*) no secure place for the confinement of a prisoner under sentence of death (*or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner*);

And whereas this Court is of opinion that for the reasons aforesaid the said sentence should be executed in British India;

<sup>\*</sup> To be omitted when sentence does not require confirmation.

<sup>1</sup> For complementary order issued under the powers conferred by section 2 of the Foreign Jurisdiction Capital Sentences Act, 1893 (V of 1893), appointing certain jails in the Bombay Presidency to which certain British Courts beyond British India may send their warrants for the execution of capital sentences, see *Bombay Government Gazette*, 1895, Pt. I, p. 777.



**III.—ORDER EMPOWERING BRITISH COURTS BEYOND THE LIMITS OF BRITISH INDIA TO SEND, IN CERTAIN CASES, THEIR WARRANTS FOR THE EXECUTION OF CAPITAL SENTENCES TO SUPERINTENDENTS OR KEEPERS OF JAILS IN BRITISH INDIA—*contd.***

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This is to authorize and require you, the said Superintendent (*or Keeper*), being a Superintendent (*or Keeper*) of a jail specified in an order under section 2 of Act No. V of 1893, passed by the Governor General of India in Council, to receive the said C. D. (*prisoner's name*) into your custody in the said jail, together with this warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C. D. (*prisoner's name*) to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this                      day of                      189 .

(*Seal.*)

(*Signature.*)

[See *Gazette of India*, 1893, Pt. I, p. 229.]

**IV.—ORDER PROVIDING FOR THE RECOVERY IN TERRITORIES  
ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL  
BEYOND BRITISH INDIA OF REVENUE ARREARS ACCRUING  
IN BRITISH INDIA.**

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*No. 1415-I., dated the 30th April, 1890.*—The Governor General in Council is pleased to apply the Revenue Recovery Act (I of 1890), to all territories in India which are under the administration of the Governor General in Council, but which are not part of British India, including the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, and to direct that an arrear of land revenue accruing in any part of British India, or a sum recoverable as such an arrear and payable to a Collector or other public officer, or to a local authority, in any part of British India, may be recovered in any of those territories under the said Act as hereby applied.

[See *Gazette of India*, 1890, Pt. I, p. 342.]

V.—ORDER REGULATING THE PUBLICATION OF NEWSPAPERS AND OTHER PRINTED WORKS IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BEYOND BRITISH INDIA.

*No. 2651-I., dated the 25th June, 1891.*—(AN ORDER RESPECTING THE PUBLICATION OF NEWSPAPERS AND OTHER PRINTED WORKS IN PLACES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BUT NOT FORMING PART OF BRITISH INDIA.)

Whereas some misapprehension has hitherto existed as to the regulations in force in territory under the administration of the Governor General in Council, but beyond the limits of British India, with reference to newspapers published within such territory, the Governor General in Council has been pleased to make the following orders :

1. No newspaper or other printed work, whether periodical or other, containing public news or comments upon public news, shall, without the written permission for the time being in force of the Political Agent, be edited, printed or published after the first day of August 1891 in any local area administered by the Governor General in Council, but not forming part of British India.

2. If after the day aforesaid any person shall, without such permission as aforesaid, edit, print or publish any such newspaper or other work as aforesaid in any such local area as aforesaid, the Political Agent may, by order in writing,—

(a) require him to leave such local area within seven days from the date of such order, and

(b) prohibit him from re-entering such local area without the written permission of the Political Agent.

3. If any such order as is mentioned in the last foregoing paragraph be disobeyed, the offender shall be liable to forcible expulsion from such local area in pursuance of an order to be made in writing by the Political Agent.

4. Any written permission granted by a Political Agent for the editing, printing or publishing of any such newspaper or other work as aforesaid, may at any time be withdrawn by the Political Agent or any of his successors in office.

5. The expression "Political Agent" has in these orders the meaning assigned thereto by the Foreign Jurisdiction and Extradition Act, 1879, and the Code of Criminal Procedure, 1882.<sup>1</sup>

[See *Gazette of India*, 1891, Pt. I, p. 382.]

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), which repeals Act X of 1882.

**VI.—ORDERS PROVIDING FOR THE PREVENTION OF DANGEROUS EPIDEMIC DISEASES IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BUT NOT FORMING PART OF BRITISH INDIA.**

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**1.—Application of the Epidemic Diseases Act, 1897 (III of 1897).**

*No. 443-I.A., dated the 4th February, 1897.*—Whereas certain parts of India are visited by, and others threatened with, an outbreak of dangerous epidemic disease known as bubonic plague, the Governor General in Council is pleased to apply the Epidemic Diseases Act, 1897, to all territories in India which are under the administration of the Governor General in Council, but are not part of British India, including the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, and including also all lands which are, or may hereafter be, occupied by railways, and in which the Governor General in Council has or exercises jurisdiction.

2. For the purposes of the said enactment so applied the expression "Local Government" shall be construed to mean the person who for the time being administers executive government in the territories concerned.

[See *Gazette of India*, 1897, Pt. I, p. 106].

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**2.—Delegation of power under section 2 (2) (b) of Act III of 1897.**

*No. 444-I.A., dated the 4th February, 1897.*—Whereas certain parts of India are visited by, and others threatened with an outbreak of dangerous epidemic disease known as bubonic plague, the Governor General in Council, in exercise of the powers conferred by section 2, sub-section (3), of the Epidemic Diseases Act, 1897, as applied by the Notification of the Government of India in the Foreign Department, No. 443-I.A., dated the 4th February, 1897, to all territories in India which are under the administration of the Governor General in Council, but are not part of British India, including all railway lands and the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, is pleased to direct that the powers conferred by section 2, sub-section (2), clause (b), of the said Act as so applied, may be exercised by the Local Government in each case.

[See *Gazette of India*, 1897, Pt. I, p. 106.]



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